

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17263 of 2018

Arising Out of PS.Case No. -10 Year- 2018 Thana -SULTANGANJ District- PATNA

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1. Munna Choudhary, S/O Shiv Choudhary, R/M- Tekari Road, Pathar Ki Masjid, P.S. Sultanganj, District-Patna.
 2. Raghuwansh Roy, S/O Radhe Roy, R/M- Misri Tola, Tekari Road, P.S. Sultanganj, District-Patna. Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arvind Kumar Mouar, Advocate.

For the Opposite Party : Mr. Ahtash Ali Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-03-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 30(a), 34(a), 38(ii) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 450 liters toddy is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 450 liters



toddy is recovered from joint houses of the petitioners. The name of petitioner no. 1 has come on the basis of disclosure made by local residents as per the F.I.R. The name of the local residents who have named the petitioner no. 1 has not been disclosed by the prosecution. As far as petitioner no. 2 is concerned, his name has come on the basis of alleged recovery made from joint house of the petitioner no. 2 where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, in connection with Sultanganj P.S. Case No. 10/2018, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

