

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26014 of 2018

Arising Out of PS.Case No. -640 Year- 2017 Thana -MASAURHI District- PATNA

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1. Bablu Bind, S/o Late Saryug Bind,
 2. Rabe Bind @ Ravi Bind, S/o Late Saryug Bind, Both resident of village- Bairam Chak, P.S. Nasaurhi, District- Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shambhu Sharan Singh, Advocate.

For the State : Mr. Satyavarat Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2018 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)(d) of the Bihar Prohibition and Excise Act, 2016 and ¾ of Mahua Flower Rules, 2006.

The prosecution story, in brief, is that total 10 liters wine alongwith 45 Kg. Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the petitioner 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 10 liters wine alongwith 45 Kg. of Mahua Flower is recovered. Out of which, only 5 liters wine is said to have been recovered from the petitioners including other co-accused persons. The name of the petitioners has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents, who have named the petitioners, has not been disclosed by the prosecution. 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 Act, Patna, in connection with Masaurhi P.S. Case No. 640 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

