

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26875 of 2018

Arising Out of PS.Case No. -302 Year- 2017 Thana -MANER District- PATNA

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- 1. Vikash Kumar, S/o Doman Rai,
 - 2. Abhishek Kumar, S/o Doman Rai,
 - 3. Niranjana Kumar, S/o Akhilesh Rai, All resident of Village- Hulasi Tola, P.S. Maner, District - Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Manoj Kumar Singh, Advocate.
For the State : Mr. Kanhaiya Kishore, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2018 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 290, 272, 273 of I.P.C
and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 100 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners no. 2 and 3 have got no criminal
antecedent. There is no allegation of tampering with the witnesses
alleged against the petitioners. It is alleged that total 100 liters
wine is recovered from two motorcycles in question. The name of



the petitioner nos. 2 and 3 has come as they are owner of the motorcycles in question. The said Motorcycles had given to a co-villager for his personal use. The petitioner no. 1 is alleged to have been identified by the informant himself as to when petitioner no. 1 is not acquainted with the informant nor the informant is acquainted with the petitioner no. 1. Hence, identification made by informant itself is doubtful. 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-cum-A.D.J.VIII, Patna, in connection with Maner P.S. Case No. 302 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)

