

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42053 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -BITHAN BAZAR District- SAMASTIPUR

- =====
1. Nageshwar Mukhiya son of Bhikhan Mukhiya,
 2. Lalo Mukhiya, son of Madan Mukhiya, Both Residents of Village-Bithan, P.S.- Bithan, District- Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Krishna Prasad Singh

For the Opposite Party : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Section-30(a), 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 25 kg. Mahua flower is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that total 25



kg Mahua flower is recovered from joint house of the petitioners. 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.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Bithan P.S. Case No. 17 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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