

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39445 of 2018

Arising Out of PS. Case No.-170 Year-2018 Thana- DHAKA District- East Champaran

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1. Dheeraj Jaisawal, S/o Mishra Lal Chaudhary,
 2. Vinod Mahto, S/o Ramdeo Mahto, Both R/o Village Sorpaniya,
P.S. Dhaka Pachpakadi District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Smt. Veena Rani Prasadd.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 99 liters wine 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. The names of the petitioners have transpired as the alleged recovery is made from the pond situated by the side of house of petitioner no. 1 and from the abandoned hut of petitioner no. 2. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this



case. It is alleged that 99 liters wine is recovered from the abandoned hut and the pond in question. 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/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 Additional District and Sessions Judge- VII-cum-Special Judge, Excise, East Champaran, Motihari in connection with Dhaka {Panchpakadi} P.S. Case No. 170 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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