

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38894 of 2018

Arising Out of PS.Case No. -24 Year- 2018 Thana -BELHAR District- BANKA

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1. Chandi Kumar, Son of Ram Chandra Prasad Singh Resident of Village - Samda.

2. Ram Briksh Kumar Singh @ Ram Briksh Kumar Son of Nagendra Singh resident of village - Tulsipur Samda. Both are P.S. Haveli Kharagpur, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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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(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 160 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. The name of the petitioners has transpired as the motorcycle from which recovery was made, belongs to the petitioner. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 160 kg. Mahua flower is recovered from the motorcycle of the petitioner. The said motorcycle was given by the petitioner to the co-villager for his personal use. 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 2nd Additional Sessions Judge, Banka in connection with Belhar P.S. Case No. 24 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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