

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44439 of 2018

Arising Out of PS. Case No.-213 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. Ram Naresh Ray @ Anil Kumar @ Anil Ray, Son of Ran Nandan Ray Resident of village- Sarmastpur, Ramjee Tola, P.S. Sakra, District- Muzaffarpur.
 2. Sanjay Kumar, Son of Umesh Ray, resident of Village- Sarmastpur, P.S. Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Hari Kishore Thakur
For the Opposite Party/s :	Mr. Sri Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 32 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 756 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioner no. 1 has transpired as the abandoned hut in question belongs to him and the name of



petitioner no. 2 transpired as he lives with petitioner no. 1. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 756 liters wine is recovered from the abandoned hut 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 Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 213/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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