

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48830 of 2018

Arising Out of PS. Case No.-113 Year-2018 Thana- BARGANIA District- Sitamarhi

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1. Babita Devi, Wife of Samundar Sharma,
 2. Samundar Sharma, Son of Dasai Thakur, Both R/o Village-
Jamua, P.S.- Bairstania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-08-2018 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, 290, 294 of the Indian Penal Code and Sections 30(a) and 38(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 36 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 field situated by the side of the house of the petitioner. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 36 liters wine is recovered from the land in question. The land in question does not belong to the petitioner. 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 Sessions Judge -II-cum- Special Judge, Excise Act, Sitamarhi in connection with Bairgania P.S. Case No. 113 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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