

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46110 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -PIPRA District- EASTCHAMPARAN
(MOTIHARI)

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1. Puran Singh, S/o Ramgya Singh, R/o Vill.- Kuwarpur Lakhna Tola, P.S.-
Pipra, District- East Champaran.
2. Sudish Mukhiya S/o Lalji Mukhiya,
3. Lalji Mukhiya S/o Vishun Mukhiya, Both Residents of Vill.- Kuwarpur
Bind Toli, P.S.- Pipra, District- East Champaran.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2018 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, 147, 148, 323, 324, 427, 353, 307, 225, 255B of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2016 as well as $\frac{3}{4}$ of D.P.P. Act.

The prosecution case, in short, is that 2 litres 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 name of the petitioners has transpired on the basis of disclosure made by the local Chowkidar. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2 liters wine is recovered from the house of co-accused Ramjanam Mukhiya. The petitioners are alleged to have made protest against search and seizure in the house of Ramjanam Mukhiya. They have been made accused due to mistake of fact. Petitioners deny the allegation. 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 4th Additional Sessions Judge, Excise, Motihari, East Champaran in connection with Pipra P.S. Case No. 49 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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