

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54935 of 2018

Arising Out of PS.Case No. -113 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District- MUZAFFARPUR

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1. Jitendra Rai, S/o Nand Lal Rai , R/o Vill.- Jhingha Purwari Tola, P.S.- Motipur, District- Muzaffarpur.
 2. Umesh Rai S/o Amiran Rai @ Ambika Rai, R/o Vill.- Jhingha, P.S.- Motipur, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nitu Kumari, Advocate.

For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioners and learned counsel for the State.

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

The prosecution story, in brief, is that total 3.51 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been



implicated in the present case. It is alleged that total 3.51 liters wine is recovered by the side of poultry Farm in question. The name of the petitioner no. 1 has come in the present case on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents, who have named the petitioner no. 1 has not been disclosed by the prosecution. The name of the petitioner no. 2 has come in the present case as the alleged recovery is said to have been made by the side of poultry farm of the petitioner no. 2 belonging to joint family where other family also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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 or 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 the learned Special Judge,



Excise, Muzaffarpur, in connection with Excise Case No. 113 of 2018 (P.R. No. 03/18-19), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

