

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56615 of 2018

Arising Out of PS.Case No. -165 Year- 2018 Thana -BOCHAHAN District- MUZAFFARPUR

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1. Jittu Rai @ Jitendra Kumar, S/o Yogendra Rai, R/o vill.- Largaon.
 2. Ravi Shankar Das @ Guddu Das S/o Late Nand Kishore Das, R/o Vill.- Rampur Jaypal (Shantipur Ram Krishna Dham. Both P.S.- Bochaha, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ravi Ranjan, Advocate.

For the Opposite Party : Smt Sangeeta Sharma, 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 272, 273, 414/34 of the IPC, 30(a), 32(ii) and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 244.4 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 244.4 liters wine is



recovered from the car in question. The car in question does not belong to the petitioners. The name of the petitioners has come on the basis of disclosure made by co-accused Sanjit Kumar. 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 G.R. No. 1144/2018, arising out of Bochaha P.S. Case No. 165/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)