

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59720 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- PIYAR District- Muzaffarpur

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1. Sukhdeo Rai @ Sukdev Ray, S/o Maheshwar Rai, R/o Vill.- Loharkha @ Hattha, P.S.- Piyar , District- Muzaffarpur.
 2. Bhagat Rai @ Shiv Shankar S/o Ramdeo Rai, R/o Vill.- Loharkha, P.S.- Piyar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad
For the Opposite Party/s : Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 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, 414 of the I.P.C. and Sections 30(a), 35(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 110 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in



this case. It is alleged that 110 liters wine is recovered from the car and the motorcycle parked in the orchard. The car as well as the motorcycle and the orchard in question does not belong to the petitioners. 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Piyar (Hatha O.P.) P.S. case No.152 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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