

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69790 of 2018

Arising Out of PS. Case No.-225 Year-2018 Thana- GOVINDGANJ District- East
Champaran

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1. Anil Kumar
2. Sandeep Kumar, both sons of Madan Mahto, both residents of village
Chatiya, P.S. Malahi, District East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi

For the Opposite Party/s : Mr. Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-11-2018 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, 273/34 of the I.P.C. and Sections
30(a), 33, 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.620 liters wine is
recovered.

It has been submitted on behalf of the petitioners that the
petitioner No.2 has got no criminal antecedent and there is no
allegation of tampering of witnesses alleged against the
petitioners. The name of the petitioners has transpired as the
Dalan in question belongs to the joint family of the petitioners.
Except for this, there is no other substantive evidence to suggest



the implication of the petitioners in this case. It is alleged that 1.620 liters wine is recovered from the Dalan in question. 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 VIIth Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Govindganj (Malahi) P.S. case No.225 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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