

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.545 of 2018

Arising Out of PS.Case No. -232 Year- 2017 Thana -AMAS District- GAYA

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1. Chhotu Prasad @ Chhote Lal Mehta, S/o Prabhu Mahto,
2. Bikram Prasad @ Bikram Kumar @ Tuntun Prasad @ Tuntun Prasad S/o
Bhim Prasad @ Bhim Singh, Both R/o Village- Maricha Tola Bigha, P.S.-
Amas, District- Gaya.
3. Bhikhari Singh S/o Late Ramchandra Singh Bhokta, R/o Village- Khaira
Pokhar , Bagbira, P.S.- Amas, District- Gaya.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 272, 273/34 of the Indian Penal Code
and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 25 litres of
Mahua liquor is said to have been recovered from the co-accused.

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 come on the basis of



disclosure made by the co-accused before the police, as per F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 25 litres of Mahua liquor is recovered from co-accused. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Amas P.S. Case No.232/2017, on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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