

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1003 of 2018

Arising Out of PS.Case No. -252 Year- 2017 Thana -ATRI District- GAYA

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1. Shivan Chaudhary S/o Late Kali Chaudhary
2. Laso Devi W/o Shivan Chaudhary both residents of village - Sagheda,
P.S. - Atri, District - Gaya..... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vinod Kumar, Advocate.

For the Opposite Party : Mr. Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-01-2018 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 of the IPC and
30(a) (d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 29 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 29 liters wine is
recovered from possession of different accused persons. As far as
the petitioners are concerned, 5 liters of wine is said to have been



recovered from joint house of the petitioners where other family members also reside. The petitioner no. 2 is a lady. The name of the petitioners has come in the present case as the alleged recovery has been made from joint house of the petitioners respectively. 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.

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 I/C Special Excise Judge, Gaya, in connection with Atri P.S. Case No. 252 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)