

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18798 of 2018**

Arising Out of PS. Case No.-19 Year-2018 Thana- MANJHI District- Saran

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1. Bihari Prasad,
  2. Sanjay Prasad Both are Sons of Gauri Shankar Prasad , R/o Village- Noon Nagar, P.S.- Jalalpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      04-04-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in a case instituted for the offences under Sections 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 30, 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 1278 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 26.02.2018. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 1278 liters wine is recovered from



the truck in question. The truck in question does not belong to the petitioner. The name of the petitioner has transpired on the basis of disclosure made by co-accused Mohit Batra. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The petitioner has not been apprehended on the spot. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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, it is directed that the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 6<sup>th</sup> A.D.J.-cum- Special Judge, Excise, Saran, Chapra in connection with Manjhi P.S. Case No. 19/2018.

**(Sudhir Singh, J)**

Pankaj/-

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