

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28068 of 2018

Arising Out of PS.Case No. -205 Year- 2018 Thana -SITAMARHI District- SITAMARHI

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1. Lalan Mandal, S/o Satya Narayan Mandal,
2. Shambhu Mandal S/o Ramavtar Mandal, Both R/o Vill.- Murliya Chak,
Ward No. 4 Chakmahila, P.S.- Sitamarhi, District- Sitamarhi.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar Mishra, Advocate.
For the State : Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-05-2018 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, 290, 291/34 of
the I.P.C and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 56.295
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 total 56.295 liters
wine is recovered from four different places. Out of which, 18.345



liters wine is said to have been recovered by the side of house of petitioner no. 1 and from joint house of petitioner no. 2. The name of the petitioner no. 1 has come on the basis of alleged recovery made by the side of his house. As far as petitioner no. 2 is concerned, his name has come in the present case on the basis of alleged recovery made from his joint house where other family members also reside. 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/ Complaint Case.

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 A.D.J.-II, Sitamarhi-cum-Special Judge, Excise Act, Sitamarhi, in connection with Sitamarhi P.S. Case No. 205 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

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(Sudhir Singh, J)

