

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40921 of 2018

Arising Out of PS.Case No. -227 Year- 2018 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sk. Ekram, Son of SK. Dil Mohammad, resident of Village-
Jaishingpur Gharvari, P.S.- Turkauliya, District- East Champaran.
 2. Gopi Paswan, Son of Late Virjan Paswan, resident of Village-
Jaishingpur Tola Madhopur, P.S.- Turkauliya, District- East Champaran.
- Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 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, 273/34 of the IPC,
30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 400 liters
spirit 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 400 liters
spirit is recovered from the *Banswari* in question. The *Banswari* in



question does not belong to the petitioners. The name of the petitioners has come on the basis local residents as per the F.I.R. The name of the local residents, who have named the petitioners, has not been disclosed by the prosecution. 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 Special Judge, Excise, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 227 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)

