

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55882 of 2018

Arising Out of PS.Case No. -359 Year- 2018 Thana -MOTIPUR District- MUZAFFARPUR

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1. Sanjay Rai, S/o Nathuni Rai,
2. Vijay Rai, S/o Nathuni Rai, Both resident of Village- Sebduyari Gai
Singh, P.S.- Motipur, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-09-2018 Heard learned counsel for the petitioners and learned APP for
the State.

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

The prosecution case, in short, is that 50 liters wine is
recovered.

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 transpired as the alleged recovery is
said to have been made from joint house of the petitioners 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. It is alleged that 50 liters wine is recovered from joint house of the petitioners. 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/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 learned Special Judge, Muzaffarpur in connection with Motipur P.S. Case No. 359 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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