

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56589 of 2018

Arising Out of PS.Case No. -64 Year- 2018 Thana -SIWAIPATTI District- MUZAFFARPUR

- =====
1. Vinod Rai @ Vinod Kumar, Son of Munna Rai.
 2. Chanchal Kumar, Son of Rajendra Sah, Both resident of Village- Paigamberpur, P.S.- Siwaipatti, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Amit Kumar Jha, Advocate.

For the Opposite Party : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 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, 120(B) of the IPC and 30(a), 38, 41 and 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 249.12 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is alleged that total 249.12 liters wine is recovered from the car in question. The car in



question does not belong to the petitioners. The name of the petitioners has come on the basis of disclosure made by the 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. 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 Act, Muzaffarpur, in connection with Siwaipatti P.S. Case No. 64 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)