

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9071 of 2018

Arising Out of PS.Case No. -83 Year- 2017 Thana -SIKANDARA District- JAMUI

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1. CHANDAN MITHAIBALA @ CHANDAN MITABALA @ CHANDAN KUMAR TANTI @ CHANDAN KR. TANTI. S/o Late Krishna Tanti, R/o Village- Maniyadda, P.S.&Distt.- Jamui.
 2. Rajendra Sah @ Rajendra Sao S/o Late Gulab Sao, R/o Mahisauri, P.S. & Distt.- Jamui.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Prabhat Ranjan Singh, Advocate.

For the Opposite Party : Mr. N. N. Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2018 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 120(b), 273 of the IPC, 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 497.325 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 497.325 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 co-accused Sanjay Sao. 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 2nd Additional Sessions Judge, Jamui, in connection with Sikandra P.S. Case No. 83 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)