

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17081 of 2018

Arising Out of PS.Case No. -20 Year- 2018 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajan Sah @ Rajan Kumar, Son of Bholu Sah.
 2. Sonalal Sah, Son of Tulsi Sah. Both Resident of Village- Daroga Tola,
P.S. Banjariya, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Abhishek Kumar @ Sonu Babu and
Rashmi Jha, Advocates.

For the Opposite Party : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-03-2018 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 of the IPC,
30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 180 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 180
liters wine is recovered from Tata Safari vehicle. The vehicle in
question does not belong to the petitioners. The name of the



petitioners has come as the police force has claimed that they had identified the petitioners in Torch light. The petitioners are not known to the police force. 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 4th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran, in connection with Turkauliya (Banjariya) P.S. Case No. 20 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)