

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13109 of 2018

Arising Out of PS.Case No. -372 Year- 2017 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Munna Chaudhary @ Munna Kumar, Son Neta Choudhary.
 2. Sunita Devi, Wife of Neta Choudhary.
 3. Saroj Devi, Wife of Manohar Choudhary. All are resident of Village-
Patarakha, P.S. Bettiah Muffasil (Manupul), District- West Champaran
at Bettiah.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vibhakar Kumar, Advocate.

For the Opposite Party : Mr. Ajay Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 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 30(a) and 30(d) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 21 liters
wine, 150 Kg. *Gurd* and other articles are 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 21 liters wine, 150 Kg. *Gurd* and other articles are recovered from dilapidated hut of one Shiv Pujan Chaudhary. 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. 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, Bettiah, West Champaran, in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 372 of 2017, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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