

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22521 of 2018

Arising Out of PS.Case No. -29 Year- 2018 Thana -UJIYARPUR District- SAMASTIPUR

- =====
1. Vijay Kumar Mahto, S/o Ram Shankar Prasad Aaj,
 2. Mithun Kumar, S/o Jagdish Matho, R/o Vill.- Pachpaika, P.S.-
Ujiyarpur, Distt.- Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 18-04-2018 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 47, 30(a), 38(1), 38(2),
41(1) and 41(2), of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 678.960
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 678.960 liters
wine is recovered from abandoned house of co-accused Ram
Kumar Rai. The name of the petitioners has come on the basis of



secret information as per F.I.R. The source and genuineness of secret information 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 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur, in connection with Ujiyarpur P.S. Case No. 29 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)

