

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18204 of 2018

Arising Out of PS.Case No. -190 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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1. Shanti Devi, Wife of Late Rajendra Bhuiyan,
2. Yogendra Bhuiyan, Son of Fakirchadra Bhuiyan, Both are Resident of
Village-Mudila, P.s. Kutumba, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-03-2018 Heard learned counsel for the petitioners and learned APP for
the State.

The petitioners are apprehending their arrest in a case
registered under Sections-30(a) & 38(ii) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 19 liters wine is
recovered.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioners. The
names of the petitioners have transpired as the alleged recovery is
said to have been made from joint house of the petitioners where
other family members also reside. Except for this, there is no other



substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 13 litres and 6 liters wine is recovered from joint house of the petitioner Nos. 1 & 2 respectively. 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.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned Additional Sessions Judge-VII-cum-Special Judge, (Excise), Aurangabad in connection with Kutumba P.S. Case No. 190 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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