

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26476 of 2018

Arising Out of PS.Case No. -42 Year- 2018 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mauzi Lal Sah @ Mauzi Sah, Son of Mangal Sah, Resident of Village- Jhitakahiya, P.S. Adapur, District- East Champaran.
 2. Rajesh Sah, Son of Chhattri Sah.
 3. Arjun Mukhiya, Son of Patiram Mukhiya.
 4. Ram Vishwas Mukhiya, Son of Babulal Mukhiya, All are Residents of Village- Tikulia, P.S.- Adapur, District- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shiva Shankar Sharma, Advocate.

For the State : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-05-2018

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, 273/34 of the I.P.C and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 90 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 90 liters wine is recovered from two different places i.e., *Khaliyan* and by the



side of road in question. The name of the petitioners has come on the basis of disclosure made by co-accused Nagendra Yadav. 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 IVth Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, in connection with Adapur P.S. Case No. 42 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)

