

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22895 of 2018

Arising Out of PS. Case No.-236 Year-2017 Thana- GAYA MUFFSIL District- Gaya

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1. Dukhni Devi, Wife of Late Bigan Manjhi, resident of Village- Ashok Nagar Bhuai Toli, P.S.- Muffasil, Dist.- Gaya.
 2. Ramashish Manjhi, Son of Chamari Manjhi, Resident of Village- Prathmik Vidyalay New Abgila, P.S.- Muffasil, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Nityanand Tiwary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

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

The prosecution case, in short, is that 15 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 made from the joint house of the petitioners where the 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 15 liters wine is recovered in this case out of which 5 liters wine each are recovered from the joint houses of petitioner nos. 1 and 2 respectively. Petitioner no. 1 is a lady. 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/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 Special Judge, Excise, Gaya in connection with Muffasil Case No. 236/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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