

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45360 of 2018

Arising Out of PS.Case No. -201 Year- 2018 Thana -MOTIHARI MUFAJIL District-
EASTCHAMPARAN (MOTIHARI)

- =====
1. Munna Kumar @ Munna, S/o Ramesh Chaudhari , R/o Jagjeevan Nagar
Imali Chowk, P.S.- Bettiah Town, Distt.- W. Champaran.
 2. Ashok Chaudhari, S/o Vishwanath Mahto, R/o Vill.- Akhiya, P.S.-
Banjariya, Distt.- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dhannjay Kumar No 2, Advocate.

For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2018 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 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3460
liters spirit is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioner no. 1 has got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioners. It is alleged that total 3460 liters spirit is



recovered from the Truck in question. The name of the petitioner no. 1 has come on the basis of seized Truck. The petitioner no. 1 is alleged to be owner of the said Truck. The said Truck is run as a Public Carrier by the driver of the petitioner no. 1. So far as petitioner no. 2 is concerned, his name has come in the present case on the basis of disclosure made by co-accused Bhola Dewan. 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 petitioner no. 1 had no knowledge regarding the goods booked by the Transporter. 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 7th A.D.J. Motihari, E. Champaran-cum-Special Judge, Excise, E. Champaran at Motihari, in connection with Muffasil P.S. Case No. 201/2018,



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

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(Sudhir Singh, J)

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