

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48520 of 2018

Arising Out of PS.Case No. -305 Year- 2018 Thana -BODHGAYA District- GAYA

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1. Dharmendra Shah,
2. Bundi Shah, Both Son of Bhagwan Shah @ Bhagwan Saw , R/o Vill.-
Kanhaur Ward No. 2, P.O.- Moratal, P.S.- Bodh Gaya, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-08-2018 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(d) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 900 kg. Mahua
flower 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
name of the petitioners has transpired as the alleged recovery is
said to have been made from joint houses 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 total 900 kg. Mahua flower is recovered. Out of 900 kg, Mahua flower, 500 kg. Mahua flower is recovered from joint house of petitioner No. 1 and 400 kg. Mahua flower is recovered from joint house of petitioner No. 2. 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-Vth-cum-Special Judge, Excise, Gaya in connection with Bodh Gaya P.S. Case No. 305 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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