

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49711 of 2018

Arising Out of PS.Case No. -106 Year- 2018 Thana -KALYANPUR District- SAMASTIPUR

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1. Sapna Devi @ Sadhna Devi wife of Kailash Mahto
2. Golu Mahto son of Late Asarfi Mahto Resident of Village -
Purshottampur, Ward No. 5, Police Station - Kalyanpur, District -
Samastipur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioners and learned APP for
the State.

The petitioners are apprehending their arrest in a case
registered under Sections 272, 273 of the Indian Penal Code and
Sections-30(i), 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that three 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
name of the petitioners has 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 three liters wine is recovered from joint house of the petitioners. 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 6th Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Kalyanpur P.S. Case No. 106 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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