

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54448 of 2018

Arising Out of PS. Case No.-405 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. Jitendra Rai Son of Bathu Rai Resident of Village- Madhuban, P.S. Kanti District Muzaffarpur.
 2. Sunil Rai Son of Umesh Rai Resident of Village- Pakai, P.S. Kanti, District Muzaffarpur.
 3. Sujit Rai Son of Suresh Rai Resident of Village- Pakai, P.S. Kanti, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Smt Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 515.250 liters wine is recovered.

It has been submitted on behalf of the petitioners that that petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners No.1 and 2 has transpired in the present case merely on suspicion and the name of the petitioner No.3 has transpired in the



present case as the alleged recovery is made from the joint house of the petitioner No.3 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 515.250 liters wine is recovered from the joint house of the petitioner No.3. 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. case No.405 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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