

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4533 of 2018

Arising Out of PS.Case No. -751 Year- 2017 Thana -ARARIA District- ARRARIA

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1. Md. Janisar Akhtar, aged about 38 Years S/o Iliyas Ansari @ Ayub, R/o Village- Hatkola Bazar, Ward No. 9, P.S.- Islampur, District- North Dinajpur, (West Bengal).
 2. Md. Afroj, aged about 29 Yeras, S/o Late Ayub, R/o Village- Tinkothi, Ward No. 41, P.S.- Mithanpura, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-03-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 31.10.2017 in a case for the offence registered under Sections 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 50.850 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 50.850 liters wine is recovered from the car in question. The petitioner no. 1 is alleged to be the driver and petitioner no. 2 is alleged to be co-passenger of the car in question. The name of the petitioners has come on the basis of alleged recovery made from the car in question. The petitioners had no knowledge regarding the liquor kept in the car in question. 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, be released on 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Araria, in connection with Special Case No. 2997 of 2017, arising out of Araria P.S. Case No. 751 of 2017.

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(Sudhir Singh, J)

