

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53981 of 2018

Arising Out of PS. Case No.-91 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

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1. Mofid, S/o Ilyash, R/o Basaud, P.S.- Sindhawali Ahir Dist- Bagapat U.P.
 2. Rasid Ali, S/o Ibrahim Ali, R/o HN 24 Jafrabad, P.S.- Sindhawli Ahir, Dist- Bagapat U.P.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Smt. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2018 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 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2068 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 names of the petitioners have transpired as the alleged recovery is made from the vehicles belonging to the petitioners. The said vehicles were run as public carrier by the drivers of the petitioners. The petitioners had



no knowledge regarding the nature of goods booked by the transporter. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 2068 liters wine is recovered from the two vehicles in question. 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./complaint case.

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 7th Additional Sessions Judge -cum- Special Judge, Excise, East Champaran at Motihari in connection with Dumariyaghat P.S. Case No. 91/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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