

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60036 of 2018

Arising Out of PS. Case No.-245 Year-2018 Thana- KUDHNI District- Muzaffarpur

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1. Binod Sah @ Vinod Sah S/o Jaldhar Sah @ Jalandhar Sah, resident of village Gausara (Chandrahima), P.S. Kudhani, District Muzaffarpur
 2. Subodh Rai @ Subodh Roy @ Subodh Kumar S/o Bindeshwar Rai, resident of village Gausara, P.S. Kudhani, District Muzaffarpur
 3. Raja Sahni @ Rajendra Sahni S/o Santlal Sahni, resident of village Mohanpur, P.S. Kudhani, District Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Opposite Party/s : Smt. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 Counsel for the petitioners seeks permission to withdraw the present application on behalf of the petitioner No.1 as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application on behalf of petitioner No.1 is dismissed as withdrawn.

Heard learned counsel for the petitioners No.2 and 3 and learned APP for the State.

The petitioners No.2 and 3 are apprehending their arrest in a case registered under Sections 30(a), 38(i), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 576.990 liters wine is



recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 576.990 liters wine is recovered from the open field in abandoned state. The open field in question does not belong to 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 No.2 and 3, 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 Kudhani
P.S. case No.245 of 2018, G.R. No.826 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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