

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21583 of 2018

Arising Out of PS.Case No. -37 Year- 2018 Thana -MANJHI District- SARAN

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1. Sanjay Prasad.
 2. Bihari Prasad. Both are sons of Gauri Shanker Prasad, R/V-Noon Nagar, Rampur, P.S. Jalalpur, District- Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the State : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in custody since 26.02.2018 in a case for the offence registered under Sections 413, 414 of I.P.C, 30, 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2736 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners were not



apprehended on spot. It is alleged that total 2736 liters wine is recovered from the Truck in question. The name of the petitioners has come on the basis of disclosure made by co-accused, namely, Rajesh Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. 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, 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 6th A.D.J./Special Judge, Excise, Chapra, Saran, in connection with Manjhi P.S. Case No. 37 of 2018.

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(Sudhir Singh, J)