

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44834 of 2018

Arising Out of PS.Case No. -340 Year- 2018 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

- =====
1. Subodh Patel, S/o Late Shyam Babu Patel, R/o Mohalla- Dr. Kameshwar Prasad Lane, Andi Gola, P.S.- Town, District- Muzaffarpur.
 2. Chintu Kumar, S/o Munna Patel, R/o Mohalla- Baisakhi Ram Lane (Tenant in the house of Advocate Shiv Narayan Patel), P.S.- Town, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar @ S.K., Advocate.

For the Opposite Party : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 272, 273, 414, 120(B) of the IPC, 30(a), 36, 38(2) and 44(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2.160 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. 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 2.160 liters wine is recovered by the side of house of petitioner no. 1. The name of the petitioner no. 1 has come in the present case on the basis of alleged recovery made by the side of house of petitioner. No. 1. So far as petitioner no. 2 is concerned, his name has come on the basis of secret information. The source and genuineness of 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. 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 or 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 the learned Special Judge, Excise Act, Muzaffarpur, in connection with Town P.S. Case NO.



340 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

