

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47583 of 2018

Arising Out of PS.Case No. -184 Year- 2016 Thana -POTHIYA District- KISANGANJ

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1. Lukhi @ Lukhia @ Lukhia Devi, Wife of Sarbeshar Pahan @ Sarbeshar Bhakta.
 2. Sarbeshar Pahan @ Sarbeshar Bhakta, Son of Motha Kisku, Both resident of Village- Mirjapur, P.S.- Pothiya, District- Kishanganj.
- Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Amal Kumar Sinha, Advocate.

For the Opposite Party : Mr. Lakshmi Kant Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 03-08-2018 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 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 10 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 10 liters wine is recovered from joint house of the petitioners. The name of the petitioners has come in the present case on the basis of alleged



recovery made from joint house of the petitioners where other family members also reside. 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 Additional District & Sessions Judge-II-cum-Special Judge, (Excise), Kishanganj, in connection with Special Case No. 191 of 2017, arising out of Pothiya P.S. Case No. 184 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

