

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56171 of 2018

Arising Out of PS.Case No. -393 Year- 2018 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

- =====
1. Lalbabu Rai, Son of Ramchandra Rai.
 2. Chumman Sahani @ Chuman Sahani, Son of Ramprit Sahani, Both residents of Village- Gadriya, P.S.- Raghunathpur, District- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Ajay Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 40 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 40 liters wine is recovered from the Motorcycle in question. The name of the petitioner has come on the basis of seized Motorcycle. The petitioner no. 1 is alleged to be owner of the said Motorcycle. The petitioner no. 2 was also alleged to be pillion rider. The said Motorcycle was given by petitioner no. 1 to a co-villager for his personal use. 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, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 393 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)

