

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57046 of 2018

Arising Out of PS.Case No. -93 Year- 2018 Thana -MAHESI District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. ISHAK MIAN @ MD. ISHAK, Son of Karim Mian,
 2. Ainul Mian, Son of Fita Mian, Both are resident of Village- Bakhri Nazir, P.S.- Mehsi, District- E. Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Rajive Ranjan Singh, Advocate.

For the Opposite Party : Smt. Madhuri Lata, A.P.P.

=====

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 Sections 30(a), 38 and 37(d) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 60 liters
toddy 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 60 liters toddy



is recovered from abandoned hut. The name of the petitioner has come in the present case on the basis of alleged recovery made from abandoned hut belonging to joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned VIIth Additional Sessions Judge, Motihari, in connection with Mehsi P.S. Case No. 93 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)