

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13866 of 2018

Arising Out of PS.Case No. -788 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Nandu Chaudhary, Son of Tetar Chaudhary, Resident of Village-Gajaragarh, P.S.-Barachatti, District-Gaya.
 2. Lalti Devi, Wife of Chandu Chaudhary, Resident of Village-Gajaragarh, P.S.-Barachatti, District-Gaya.
 3. Kushum Devi, Wife of Vijay Chaudhary, Resident of Village-Gajaragarh, P.S.-Barachatti, District-Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party : Mr. Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 13-03-2018 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 of the IPC, 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 53 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 53 liters wine



is recovered from seven different houses including that of the petitioners. The name of the petitioners has come 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 Special Judge, Excise Act, Gaya, in connection with Barachatti P.S. Case No. 788 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)