

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1597 of 2018

Arising Out of PS.Case No. -85 Year- 2017 Thana -ANDHRATHARI District- MADHUBANI

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1. Sohre Kurwan @ Sohre Azad, Son of Azazul Rahman,
 2. Md. Shakeel Son of Md. Sattar @ Sattar, Both Resident of Village-
Gidarganj, P.S. Andhrathadhi, District-Madhubani.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 2 10-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 272, 273 of Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 550 Milliliters of
liquor is said to have been recovered from a canal.

It has been submitted on behalf of the petitioners that
the petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioners. The name of the petitioners has come on the basis of
secret information. The source and genuineness of secret
information has not been disclosed by the prosecution. The name



of local chowkidar who has named the petitioners, 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. It is alleged that 550 Milliliters of liquor is recovered from a bridge of canal. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Andhrathardhi P.S. Case No.85/2017, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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