

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16353 of 2018

Arising Out of PS.Case No. -337 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

- =====
1. Ramawati Kunwar @ Tetari, Wife of Late Kedar Choudhri,
 2. Moti Chaudhary, Son of Late Kedar Choudhri, Both residents of Village- Shivpur, Police Station- Nokha, District- Rohtas at Sasaram.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raghunandan Kumar Singh, Advocate.

For the Opposite Party : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-03-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4½ 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 4½ liters wine



is recovered from the *Machan* of co-accused Reena Devi. The name of the petitioners has come on the basis of disclosure made by co-accused Reena Devi. 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 Sessions Judge-II-cum-Special Court, Excise, Rohtas at Sasaram, in connection with Nokha P.S. Case No. 337 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)