

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.19194 of 2018**

Arising Out of PS.Case No. -584 Year- 2017 Thana -TURKAULIYA District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Abhay Kumar @ Tufani.
  2. Sadhu Yadav @ Badhu rai Both Sons of Shambhu Rai, Both Resident of Village-Jaisinghpur Jathara, P.S.-Turkauliya, District-East Champaran.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioners : Mr. Abhishek Kumar @ Sonu Babu and  
Rashmi Jha, Advocates.

For the Opposite Party : Mr. Kalyan Shankar, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      03-04-2018                      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, 323, 332,  
353/34 of the IPC, 30(a) and 45 of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution story, in brief, is that total 120 liters  
spirit 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 120 liters spirit is recovered from two different places. The name of the petitioners has come on the basis of alleged recovery made from abandoned hut and motorcycles of the petitioners. As far as the motorcycles in question, petitioners had given the said motorcycles 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. 584 of 2017, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

U.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

(Sudhir Singh, J)

