

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25947 of 2018

Arising Out of PS.Case No. -66 Year- 2018 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. Ajit Manjhi,
2. Sunil Manjhi @ Sunil Kumar
3. Anil Manjhi All Sons of Gobind Manjhi, R/o Vill.- Azadbigha
(Chandchaura Naili), P.S.- Magadh Medical, District- Gaya.
.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vinod Kumar, Advocate.

For the State : Mr. Jagdhar Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 30-04-2018 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 414 of the Indian Penal
Code and 30 (a) (d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 30 liters
wine alongwith 240 Kg. raw Mahua is said to have been
recovered.

It has been submitted by learned counsel for the
petitioners that the petitioner nos. 1 and 2 have got no criminal
antecedent. There is no allegation of tampering with the witnesses
alleged against the petitioners. It is alleged that total 30 liters wine
alongwith 240 Kg. raw Mahua is recovered. Out of which, 30
liters liquor alongwith 200 Kg. raw Mahua is said to have been



recovered from the joint house 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 Excise Judge, Gaya, in connection with Magadh Medical P.S. Case No. 66 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)