

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23357 of 2018

Arising Out of PS. Case No.-43 Year-2018 Thana- MUSAHRI District- Muzaffarpur

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1. Mukesh Kumar @ Mukesh Sah, Son of Gopal Prasad @ Chulhai Sah.
 2. Sanjay Sah @ Sanjay Kumar @ Paltu Son of Baidyanath Sah @ Langru Sah @ Baidhnath Sah, Both resident of Village Nayagaon, P.S. Musahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 36, 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 25.920 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the disclosure of co-accused Raju Kumar. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 25.920 liters wine is recovered from co-accused Raju Kumar. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Musahari P.S. case No.43 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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