

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42581 of 2018

Arising Out of PS. Case No.-55 Year-2018 Thana- MADHUBAN District- East Champaran

1. Chaman Mian @ Anwar Hussain @ Chumman Mian @ Anwar Hussain, son of Akhtar Hussain, resident of Village- Tetariya, P.S.- Rajepur, District- East Champaran.
2. Mirchai Lal Rai @ Darshan Kumar @ Daresh Kumar, son of Bharat Yadav, resident of Village- Lohsurka, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra
For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 5305 liters wine is recovered.

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 disclosure made by the local Chaukidar as per F.I.R. Except for



this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 5305 liters wine is recovered from the the truck. The truck in question does not belong to the petitioners. 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.

Considering the aforesaid facts and circumstances, let the petitioners, 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 4th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Madhuban P.S. case No.55 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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