

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41615 of 2018

Arising Out of PS. Case No.-678 Year-2017 Thana- TURKAULIYA District- East
Champaran

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1. Binod Prasad @ Khudi, S/o Late Mahabir Prasad,
 2. Chandan Kumar S/o Santosh Prasad, Both, R/o Vill. - Henri Bazar, P.S.- Motihari Town, District- Motihari, East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 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 Indian Penal Code and Sections 30(a), 38(1)(2) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 360 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the local residents. The name of local residents who have named the petitioner, has not been disclosed by the



prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 360 liters wine is recovered from the open field. The open field 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./complaint case.

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) each with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum- Special Judge, Excise, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 678 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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