

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47771 of 2018

Arising Out of PS.Case No. -143 Year- 2018 Thana -SHERGHATI District- GAYA

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1. Ganauri Mandal, S/o Late Laljee Mandal &
2. Sheonandan Mandal, S/o Ganauri Mandal,
Both resident of village-Kalandara, P.S. Sherghati, District-Gaya
.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lilawati Singh

For the State : Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2018 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 Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40 kgs. Mahua flower and 15 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 transpired as the alleged recovery is said to have been made from joint houses 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. It is alleged that 40 kgs. Mahua flower and 15 liters wine is recovered from joint houses of the petitioners. Nothing incriminating has been recovered from the conscious possession of the petitioners. 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 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Sherghati P.S. Case No. 143 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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