

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68168 of 2018

Arising Out of PS. Case No.-143 Year-2018 Thana- TELHARA District- Nalanda

-
1. Karu Mahto @ Ramesh Mahto @ Ramesh Prasad S/o Rameshwar Mahto Resident of Village- Manohar Bigha, P.S. Telhara, District- Nalanda.
 2. Bindeshwar Paswan S/o Lakhan Paswan Resident of Village- Sadikpur, P.S. Telhara, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 567 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 names of the petitioners have transpired as the petitioners are alleged to have been identified by the police party. The petitioners are not acquainted with the police party nor the police party are acquainted with the



petitioners. Hence, the identification itself is doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 567 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. 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 Additional District & Sessions Judge -6th -cum- Special Judge, Excise, Nalanda, Bihar Sharif in connection with Telhara P.S. Case No. 143/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

