

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66736 of 2018

Arising Out of PS. Case No.-168 Year-2018 Thana- PHULPARAS District- Madhubani

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1. Ramavtar Mandal, S/o Lochan Mandal,
 2. Bidya Nand Kumar Kamat, Bidya Nand Kamat, S/o Ramdhin Kamat, Both are R/o Village- Khopa, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-11-2018 Counsel for the petitioners is permitted to make necessary correction in paragraph 3 of the main application in course of the day.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Section 272, 273 of the Indian Penal Code and 30(a) (d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1235 liters wine is recovered.

It has been submitted on behalf of the petitioners that 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 co-accused namely Arun Purve. Except for



this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 1235 liters wine is recovered from the pick up van in question and from the house of Baiju. The pick up van 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 2nd Additional District & Sessions Judge -cum- Special Judge, Excise Act, Madhubani in connection with Phulparas P.S. Case No. 168/18, G.R. No. 1129/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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