

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53075 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- JOKIHAT District- Araria

-
1. Pinki Kumari @ Pinki Devi, W/o Chandan Kumar Sah,
 2. Bhim Kumar Sah @ Bhim Kumar S/o Dularchan Sah, Both
Residence of Vill.- Palasi, Ward No. 2, P.S.- Narpatanj, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 273/34 of the I.P.C. and Sections 30(a), 38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that total 302.200 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 petitioner No.1 has transpired in this case as he is one of the owner of the vehicles. The said vehicle is run as taxi by the driver of the petitioner No.1. The name of petitioner No.2 has come on the disclosure of co-accused Chandan Kumar Sah. Except for this, there



is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that total 302.200 liters wine is recovered from four vehicles in question including the vehicle of petitioner No.1. 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 complaint case/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 2nd Addl. Sessions Judge-cum-Special Judge, Araria in connection with Excise Spl. Case No.697 of 2018 arising out of Jokihat P.S. case No.178 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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

