

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58267 of 2018

Arising Out of PS. Case No.-165 Year-2018 Thana- WARISNAGAR District- Samastipur

1. Ajay Kumar Das S/o Late Ram Lakhan Das, resident of Village- Maniyarpur, P.S. Warisnagar, District- Samastipur.
2. Manju Devi, W/o Ajay Kumar Das, resident of Village- Maniyarpur, P.S. Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Mr. Rajeev Ranjan
For the Opposite Party/s : Mr. Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-09-2018 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 of the Indian Penal Code and 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2.250 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 alleged recovery is made from the joint house of the petitioners where the 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 2.250 liters wine is recovered from the joint house of 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 Additional Sessions Judge -VI-cum- Special Judge, Excise, Samastipur in connection with Warisnagar P.S. Case No. 165/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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