

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13227 of 2018

Arising Out of PS. Case No.-682 Year-2017 Thana- BODHGAYA District- Gaya

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1. Dinaanath Manjhi, S/o Baleshwar Manjhi,
 2. Lalu Bharti @ Lallu Bharti S/o Shyamdev Bharti, Both R/o Village- Kishunpur, P.S.- Bodh Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. LAKSHMI KANT SHARMA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioners and learned
APP for the State.

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

The prosecution case, in short, is that 5 liters mahua wine and 250 kg mahua flower 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 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 5 liters mahua wine is recovered from joint house of petitioner no. 1 and 250 kg mahua flower is recovered from the joint house of petitioner no. 2. 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.

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 Bodh Gaya P.S. Case No. 682 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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