

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16924 of 2018

Arising Out of PS.Case No. -271 Year- 2017 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

- =====
1. Geeta Devi, Wife of Dawaloo Manjhi,
 2. Tulsi Manjhi, Son of Late Duniya Gole Manjhi.
 3. Dharmbir Manjhi, Son of Late Jageswar Manjhi, All resident of Village
Sohan Bigha, P.S. Magadh Medical College & Hospital, District- Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Kumar Saxena, Advocate.

For the Opposite Party : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-03-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 30(a) (d) and 38(i)(ii) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 51 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioners. It is alleged that total 51
liters wine is recovered from 14 different places. Out of which, 3,
2 and 5 liters wine respectively is recovered from joint houses of



the petitioners. The name of the petitioners has come on the basis of alleged recovery made from joint houses 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. 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 or 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 the learned Special Excise Judge, Gaya, in connection with Magadh Medical P.S. Case No. 271/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)