

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42370 of 2018

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1. Munna Kumar, S/o Jagdish Thakur.
2. Vikash Gupta, S/o Bhikhari Sah, Both resident of Village- Baruraj, P.S.-
Baruraj, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-290, 294, 272, 273, 253, 186, 341, 323, 393 & 34 of the Indian Penal Code and Sections-30(A) and 37(C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1800 ml. 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 petitioners has transpired on the basis of disclosure made by three co-accused namely, Dinesh Das, Preetam Kumar



and Vikash Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 1800 ml. wine is recovered from two different motorcycles. The motorcycles in question do not belong to 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.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Baruraj P.S. Case No. 111 of 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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