

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40855 of 2018

Arising Out of PS.Case No. -29 Year- 2018 Thana -PIPRAKOTHI District- EASTCHAMPARAN (MOTIHARI)

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1. Lal Babu Rai, S/o Hardeo Rai.
 2. Rampukar Rai, S/O Ravindra Ray @ Bagar Ray. Both residents of village - Mathiya Bariyarpur, P.S. - Piprakothi, District - East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar Pandey, Advocate.
For the Opposite Party : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-07-2018 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 272, 273/34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1350 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been



implicated in the present case. It is alleged that total 1350 liters wine is recovered from the Tanker, Pick-up Van and Motorcycle in question. None of the vehicles belongs to the petitioners. The name of the petitioners has come on the basis of secret information as per F.I.R. The source and genuineness of secret information has not been disclosed by the prosecution. 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. Other co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. Nos. 28150 of 2018 dated 07.05.2018, 36841 of 2018 dated 10.07.2018 and 41669 of 2018 dated 16.07.2018.

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 4th Additional



Sessions Judge-cum-Special Judge, Excise, East Champaran at
Motihari, in connection with Piprakothi P.S. Case No. 29 of 2018,
subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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