

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52440 of 2018

Arising Out of PS. Case No.-127 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

-
1. Nand Lal Rai @ Nandu Rai, S/o Raghunath Ray,
 2. Dharmendra Kumar @ Dharmendra Rai S/o Kishori Rai, Both
R/o Vill.- Patiyasa, (Nirpur Patiyasa), P.S.- Ahiyapur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273, 414/34 of the Indian Penal Code and Sections 30(a), 32(ii) and 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 810 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by Chintu Kumar. Except for this, there is no other substantive evidence to suggest the implication



of the petitioners in this case. It is alleged that 810 liters wine is recovered from the pick up van. The said pick up van in question does not belong to the petitioner. 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 Special Judge, Excise Act, Muzaffarpur in connection with Bochahan P.S. Case No. 127/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

