

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45308 of 2018

Arising Out of PS. Case No.-107 Year-2017 Thana- GHOGHARDIHA District- Madhubani

1. Sudhir Mishra, S/o Batshi Mishra,
2. Chandan Jha S/o Muniya Nand Jha,
3. Govind Kumar Jha @ Govind Jha S/o Late Manu Jha, All R/o Vill.- Ghoghardiha, P.S.- Ghogrdiha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 353, 333, 307, 188 of the I.P.C. and Sections 30(a), 37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 90 ml wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners are alleged to have been identified by the police party. The petitioners are not known to the police party nor the police party known to the petitioners. Hence the identification made by the police party itself is doubtful. Except for this, there is no other substantive



evidence to suggest the implication of the petitioners in this case. It is alleged that 90 ml wine is recovered from the tempo. The tempo in question does not belong to the petitioner. There is no injury caused to any of the persons in course of occurrence. Hence no offence under Section 307 of the I.P.C. is made out. 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) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Ghoghardiha P.S. case No.107 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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