

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18103 of 2018

Arising Out of PS.Case No. -81 Year- 2017 Thana -NADI P.S. District- PATNA

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1. Suresh Mahto Son of Sitaram Mahto
2. Pawan Mahto Son of Sankar Mahto Both resident of Village Gulmahiya
Chak, Police Station - Nadi, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Section-3-(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 69 liters 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 names of the petitioners have transpired on the basis of disclosure made by the co-accused namely, Chhotan Kumar. Except for this, there is no other substantive evidence to suggest the implication of



the petitioners in this case. It is alleged that 69 liters wine is recovered by the side of the railway line in abandoned state. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner 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 Special Judge, Excise, Patna in connection with Special Case No. 6581 of 2017 arising out of Nadi P.S. Case No. 81 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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