

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29873 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- SHIWAPATHI District- Muzaffarpur

1. Arvind Kumar Son of Prahalad Prasad Resident of Village- Tengrari, P.S. Siwaipatti, District- Muzaffarpur.
2. Nikhil Kumar son of Lalan Thakur @ Prem Kumar thakur Resident of Village- Ghoshaut, P.S. Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-05-2018 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, 273/34 of the I.P.C. and Sections 30(A), 38, 41, 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2982.600 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 name of the petitioners has come on the basis of disclosure made by the local residents as per F.I.R. The name of local residents, who have named the petitioners, 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. It is alleged that 2982.600 liters wine is recovered from the saw mill belonging to one Harihar Bhagat. 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 Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. case No.16 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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