

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.40739 of 2018**

Arising Out of PS.Case No. -67 Year- 2018 Thana -ANDER District- SIWAN

- =====
1. Mina Devi, W/o Jaglal Mahto,
  2. Jaglal Mahto S/o Late Manejer Manejer Mahto, R/o Vill.- Usari Bujurg,  
Post Office- Hasanpura, P.S.- Ander (M.H. Nagar), District- Siwan.
- .... .... Petitioners

Versus

The State of Bihar ..... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Shambhu Prasad Yadav, Advocate.

For the Opposite Party : Mr. Pradeep Narain Kumar, APP 205

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      13-07-2018      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 and 273 of the IPC  
and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4.860  
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 4.860 liters  
wine is recovered from the motorcycle in question. The name of  
the petitioner no. 1 has come in the present case as he is alleged to



be the owner of the motorcycle in question. The said motorcycle was given to a co-villager for his personal use. So far as the name of petitioner no. 2 is concerned, his name has come on the basis of disclosure made by the local residents and local *Chaukidar* as per the F.I.R. The name of the local residents, who have named the petitioner no. 2, 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.

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 Additional District and Sessions Judge-IIInd, Siwan, in connection with Ander(M.H. Nagar) Police Station Case No. 67 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

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