

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24128 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- ROSERA District- Samastipur

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1. Arbind Mandal, S/o Sahdev Mandal,
 2. Sahdev Mandal S/o Ramotar Mandal, Both R/o Vill.- Bela, P.S.- Hathauri, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary

For the Opposite Party/s : Mr. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 38.5 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 as the petitioner no. 2 is said to be receiver of a parcel booked by petitioner no. 1. Altogether, there were 44 parcels were carried on a truck from Kolkata to Samastipur. As far as the parcel in question with regard to petitioners are concerned, it is alleged that 500 ml. liquor was found in the said parcel. Petitioner



no. 1 denies of booking any such parcel in favour of petitioner no. 2. There is no other substantive evidence to suggest that any parcel was booked by petitioner no. 1 in favour of petitioner no. 2. The parcel was booked from Kolkata whereas the petitioner no. 1 is a resident of Samastipur. 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 ADJ-III-cum- Special Excise Judge, Samastipur in connection with Rosera P.S. Case No. 58 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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