

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27782 of 2018

Arising Out of PS.Case No. -142 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District- EASTCHAMPARAN(MOTIHARI)

1. Kamlesh Paswan, S/o Chhathu Paswan,
2. Sadhu Chaudhary @ Sadhu Pasi S/o Late Nathuni Chaudhary, Both residents of Vill.- Majuraha, P.S.- Turkaulia, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar @ Sonu Babu and Mrs. Rashmi Jha, Advocates.
For the State : Mr. Indra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-05-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 127.560 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 127.560 liters wine is recovered from joint house of petitioner no. 1. As far as petitioner no. 2 is concerned, his name has come on the basis of disclosure made by co-accused Akhilesh Paswan. The name of the petitioner no. 1 has come on the basis of alleged recovery made from his joint house where other family members also reside. 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 4th Additional Sessions Judge-cum-Special Judge, Excise at Motihari, East Champaran in connection with Excise Case No. 142 of 2018, subject to the conditions as laid down under Section 438(2) of the



Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

