

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6908 of 2019

Arising Out of PS. Case No.-438 Year-2018 Thana- MAHUA District- Vaishali

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1. Reshma Devi, aged about 68 years (Female), W/O Rajeshwar Sah.
 2. Ruby Devi, aged about 31 years (Female), W/O Pankaj Sah. Both residents of Village – Mariya, P.S. Mahua, District-Vaishali.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Rina Sinha, Advocate.
For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-02-2019 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 414/34 of the IPC, 30, 30(a), 38 and 42 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1035 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 1035 liters wine is recovered from the Pick-up Van and Motorcycle in



question. The name of the petitioner has come in the present case merely on the basis of suspicion. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 438 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

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