

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10236 of 2019

Arising Out of PS. Case No.-420 Year-2018 Thana- MAHUA District- Vaishali

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1. Mahesh Kumar, aged about 27 Years, Male, Son of Brahmdev Singh, Resident of Village - Mahua, (Pashchimi), P.S. Mahua District Vaishali.
 2. Vikash Kumar @ Balajee, aged about 26 Years, Male, Son of Bashkit Singh @ Vashukinath Singh, Resident of Village - Kanhauli (Mansipur), P.S. Mahua District Vaishali.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Manoj Kumar, Advocate.
For the Opposite Party : Mr.Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2019 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, 467, 468, 471/34 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 3582.36 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 3582.36 liters wine is recovered from the Truck and Bolero vehicle in question. None of the vehicle belongs to the petitioners. The petitioners are said to have been identified by the police party. The petitioners are not known to the police party nor the police party known to the petitioners. Hence, identification made by the police party itself is doubtful. 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 Sessions Judge-2nd-cum-Special Judge, Hajipur, Vaishali, in connection with Mahua P.S. Case No. 420 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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