

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19272 of 2019

Arising Out of PS. Case No.-173 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. Sunil Rai Son of Umesh Rai Resident of Village - Madhuban P.S. Kanti District Muzaffarpur.
 2. Suresh Rai Son of Ramashis Rai Resident of Village - Madhuban P.S. Kanti District Muzaffarpur.
 3. Umesh Rai Son of Ramashis Rai Resident of Village - Madhuban P.S. Kanti District Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-03-2019 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 1707.84 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against



the petitioners. The name of the petitioners have transpired as the vehicle in question was parked in front of house of the petitioner No. 1. The alleged recovery is said to have been made from the field situated by side of house of the petitioner No. 2. So far as petitioner no. 3 is concerned, he is said to be owner of the vehicle. The said vehicle is run as a carrier by driver of the petitioner No. 3. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 1707.84 liters wine is recovered from three different places. 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.

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 Special Judge, Excise, Muzaffarpur in connection with Excise



Case No. 173 of 2018 (P.R. No. 22 dated 31-10-2018), subject
to the conditions as laid down under Section 438(2) of the Code
of Criminal Procedure.

(Sudhir Singh, J)

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