

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57465 of 2017

Arising Out of PS.Case No. -297 Year- 2017 Thana -SHASTRINAGAR District - -

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1. Mayank Kumar S/o Ajit Kumar Mishra, R/o Vill.- Gospur, P.S.- Karjain Bazar (Dhanrai), Distt.- Supaul.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-12-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case instituted under Section 30(A), 38, 47 and 54 of Bihar Prohibition and Excise Amendment Act, 2016.

It is alleged that 111 litres of liquor is recovered from Bimlesh Kumar and Vikash Kumar.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.10.2017. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 111 litres of wine is recovered from Bimlesh Kumar and Vikash Kumar. The petitioner has been made accused due to mistake of fact. The name of the petitioner has come on the basis



of confessional statement made before the police as per F.I.R. There is no other substantive evidence to suggest the implication of the petitioner in the present 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna, in connection with Special Case No.2384/2017, arising out of Shastri Nagar P.S. Case No.297/2017.

(Sudhir Singh, J)

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