

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39547 of 2017

Arising Out of PS.Case No. -17 Year- 2011 Thana -GOVERNMENT OFFICIAL COMP. District -
MUZAFFARPUR

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1. Tuntun Mahto, Son of Jugal Mahto, Resident of Korgama, P.S.- Sakra,
District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 11-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Section 47(A) of the Excise Act.

The prosecution story, in brief, is that 158 litres of
liquor, beer and spirit is said to have been recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The name
of the petitioner has come on the basis of disclosure made by
local residents as per Complaint. The names of local residents
who have named the petitioner has not been disclosed by the
prosecution. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 169 litres of liquor, beer and spirit is recovered from the joint house of the petitioner. 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 Complaint.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Excise Case No. 17/2011, Tr. No. 367/2015, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-III-cum-A.C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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