

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60274 of 2017

Arising Out of PS.Case No. -591 Year- 2017 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Manish Kumar, Son of Mithilesh Kumar, Resident of Village +
Mohalla- Shiv Nagar, Ward No. 15, Police Station Hilsa, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30(A) and 38 of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 4.700 litres of
wine is recovered from the joint house of the petitioner and 18
litres of wine is recovered from two cars in abandoned stage.

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 secret information as
per the F.I.R. The source and genuineness of the secret
information 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 4.7 litres of wine is recovered from the joint house of the petitioner and 18 litres of wine is recovered from two cars in abandoned stage. The said cars do not belong to 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 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 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 Hilsa P.S. Case No. 591/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum Special Judge (Excise), Nalanda at Bihar Sharif, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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