

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57935 of 2017

Arising Out of PS.Case No. -514 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Manoj Rai son of Suryadeo Rai, Resident of Village- Majuraha, P.S.-
Turkauliya (Raghunath Pur O.P.), District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2017 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(1)/38(1) of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 324 litres of wine
is said to have been recovered from the tempo.

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 confessional statement
of co-accused made before police as per F.I.R. Except for this,
there is no other substantive evidence to suggest the implication
of the petitioner in this case. It is alleged that 324 litres of wine is
recovered from the tempo, which was being driven by one Raju



Paswan. 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 Turkauliya (Raghunath pur) P.S. Case No. 514/2017 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-VII, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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