

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56357 of 2017

Arising Out of PS. Case No.-92 Year-2017 Thana- DEO District- Aurangabad

Mithilesh Singh @ Mithlesh Singh, S/o Late Bhichhan Singh, R/o Village Adari, P.S.- Deo, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. INDRA KUMAR SINGH

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-12-2017 Learned counsel for the petitioner is permitted to make necessary correction in prayer portion of the petition in course of the day.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 420 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation is that 196.5 liters wine is recovered from the car.

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 Purunjay Kumar 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 196.5 liters wine is recovered from the car in question. The said car does 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 is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII-cum-Special Judge (Excise), Aurangabad in connection with Deo P.S. case No.92 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

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(Sudhir Singh, J)

