

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58868 of 2017

Arising Out of PS.Case No. -367 Year- 2017 Thana -LAHERIASARAI District- DARBHANGA

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1. RAM DINESH @ RAM DINESH MAHATHA, Son of Sri Ram Chandra Mahtha, resident of Hardware Shop at Gudri Bazar, P.S. Laheriasarai, District- Darbhanga, At present Village- Balha, P.O.+ P.S.- Ashok Paper Mill, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anurag Anand

For the Opposite Party/s : Mr. Ram Priya Saran Singh

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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(a), 37(a) and 37(c) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 2.250 litres of liquor 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 confession 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 2.250 litres of liquor is recovered from an abandoned room. 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 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 G.O. Excise Case No. 1509/2017, arising out of Laheriasarai P.S. Case No.367/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Special Judge, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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