

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59908 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -DARIYAPUR District- SARAN

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1. Police Manjhi, Son of Late Bhikham Manjhi, Resident of Yadopur,
P.S.- Dariyapur, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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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 188, 308, 272, 273 of the Indian Penal
Code and 30/38 of the Excise Act, 2016.

The prosecution story, in brief, is that 8.2 litres of
liquor is said to have been recovered from an open field.

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. It is
alleged that 8.2 litres of liquor is said to have been recovered
from an open field as per F.I.R., whereas as per seizure list the
recovery is being shown from the joint house of the petitioner.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 Dariyapur P.S. Case No.43/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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