

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7702 of 2018

Arising Out of PS. Case No.-423 Year-2017 Thana- RAMPUR District- Gaya

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Mithlesh Kumar @ Mithilesh Kumar S/o Prabhu Rawut, R/o Village- Usari,
P.S.- Manpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : SMT. SUCHETA YADAV

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(a), 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that about 171 liters wine is 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 alleged recovery is said to have been made from a tempo in question. The tempo is run as a public carrier by the driver of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that about 171 liters wine is recovered from the tempo in question. 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 Special Judge, Excise, Gaya in connection with Rampur P.S. Case No. 423 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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