

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21287 of 2018

Arising Out of PS. Case No.-116 Year-2017 Thana- SHIWAPATHI District- Muzaffarpur

Mithlesh Rai, S/o Kappal Rai, Resident of Village- Raipatti, P.S. Siwaipatti,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38, 41 and 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 882 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 name of the petitioner has transpired on the basis of disclosure made by the co-accuseds namely Pappu Khan, Jangjeet Bhardwaj and Anas Khan. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 882 liters wine is recovered from the truck in question. The truck in question 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./complaint case.

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, Muzaffarpur in connection with Siwaipatti P.S. Case No. 116/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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