

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14571 of 2018

Arising Out of PS. Case No.-638 Year-2017 Thana- KAHALGAON District- Bhagalpur

Lakshman Pahariya, son of Jangli Pahariya, resident of Village- Maksaspur,
P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha
For the Opposite Party/s : Mr. NITYANAND TIWARY

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 188 & 290 of the Indian Penal Code and Sections 37(c)/30(a), 56(d) & (e) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 34 liters mahua wine and 88 kg mahua flower are 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-accused named in the 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 34 liters mahua wine and 88 kg mahua flower are recovered from seven different places. 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 4th Additional District & Sessions Judge-cum- Special Judge, Excise, Bhagalpur in connection with Kahalgaon P.S. Case No. 638 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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