

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8661 of 2018

Arising Out of PS. Case No.-133 Year-2017 Thana- VIDYAPATINAGAR District-
Samastipur

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Sujit Mahto @ Sujiya @ Sujit Kumar, son of Rampravesh Mahto,, r/o- village
Vidyapati Nager, Police Station- Vidyapati Nager, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan

For the Opposite Party/s : Mr. NITYANAND TIWARY

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Sections 47, 30(a), 35(a), 35(b), 38(i) & 38(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 21.6 liters wine is recovered.

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 namely Ram Udgar Rai. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 21.6 liters wine is recovered from



the orchard and the motorcycle in question. Neither the orchard nor the motorcycle in question belongs 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.

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-cum-Additional Sessions Judge, Samastipur in connection with Vidyapati Nagar P.S. F.I.R. No. 5133029170133 (G.R. No. 3816 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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