

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20730 of 2018

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

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Jhunna Pahariya @ Arjun Pahari, S/o Suraj Pahariya @ Suraj Pahari, R/o
Village- Maksaspur, P.S.- Kahalgaon, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Advocate.

For the Opposite Party : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The prosecution story, in brief, is that total 34 liters
wine alongwith 85 Kg. of Mahua Flower are said to have been
recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 34 liters wine alongwith 85 Kg. Mahua



Flowers are recovered. Out of which, 15 Kg. Mahua Flower is said to have been recovered from the motorcycle which was parked in the campus of house of the petitioner. The motorcycle from which Mahua Flower is alleged to have been recovered does not belong to the petitioner. The name of the petitioner has come on the basis of alleged recovery made from the motorcycle which was parked in the campus of 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 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 or 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 the learned 4th Additional District & Sessions Judge-cum-Special Judge (Excise), Bhagalpur, in connection with Kahalgaon P.S. Case No. 638/2017, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

