

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16191 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -HATHAURI District- SAMASTIPUR

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1. Shivnath Mukhiya, S/o Devendra Mukhiya, R/o Village- Dhivahee, P.S.-
Hathauri (Shivajinagar), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272 & 273 of the IPC and Sections-30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that two liters Mahua 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-accused Md. Shabbir. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that two liters Mahua wine is recovered from co-accused Md. Shabbir. 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 Additional District & Sessions Judge-VI, Samastipur in connection with Hathauri P.S. Case No. 05 of 2018 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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