

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26162 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- BITHAN BAZAR District- Samastipur

Shambhu Mukhiya @ Asmit Mukhiya S/o Rambilash Mukhiya, R/o Vill.-
Bithan Sahni Tola, P.S.- Bithan, District- Samastipur.

	Versus	 Petitioner/s
The State of Bihar		 Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kundan Kumar
For the Opposite Party/s :	Mr. Satyadev Prasad Singh Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2018 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) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 190 kg jawa mahua 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 as the alleged recovery is made from the joint house of the petitioner where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in this case. It is alleged that 190 kg jawa mahua is recovered altogether from 24 houses out of which 5 glasses with ½ kg of soda are recovered from the joint house of 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 3rd Additional Sessions Judge-cum- Special Judge, Excise Act, Samastipur in connection with Bithan P.S. Case No. 17/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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