

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23865 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- TURKAULIYA District- East
Champaran

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Bhagal Mahto s/o late Sukhal Mahto @ Bhukal Mahto resident of village -
Shankar Saraiya Kaswa Tola, P.S. - Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 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, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30 liters 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 come on the disclosure of co-accused Brajesh Ram. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case.



It is alleged that 30 liters wine is recovered from co-accused Brajesh Ram. 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 Addl. Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari in connection with Turkauliya P.S. case No.104 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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