

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.27381 of 2018**

Arising Out of PS.Case No. -250 Year- 2017 Thana -GORIAKOTHI District- SIWAN

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NANHKI MUSHAR @ NANHAK MUSAHAR, S/o Mahanth Raut, R/o  
Vill.- Goriya Kothi Mushar Toli, P.S.- Goriya Kothi, District- Siwan.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Raju Prasad, Advocate.

For the State : Mr. Ajit Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      03-05-2018                      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 30 and 36 of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4 liters  
wine is 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 4 liters wine is recovered from the  
house of co-accused Hari Lal Mushahar and Nirgun Mushahar.



The name of the petitioner has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. 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 A.D.J.-II-cum-Special Judge, Excise Act, Siwan, in connection with Goriya Kothi P.S. Case No. 250 of 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)**