

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29160 of 2018

Arising Out of PS. Case No.-374 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Bijay Mistry @ Vijay Mistry S/o Katima Mistry @ Ramdas Mistry, R/o Vill.-
Dakra, P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-05-2018 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), 32(c), 38(a)(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 43 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 transpired as being the tenant of the co-accused namely Kauleshwari Yadav. There is no documentary evidence in support of the allegation that the petitioner is tenant in the said premises. Except for this, there is



no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 43 liters wine is recovered from the house belonging to Kauleshwari Yadav. 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 Additional District & Sessions Judge-II-cum- Special Judge, Excise, Lakhisarai in connection with Lakhisarai P.S. Case No. 374 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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