

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37328 of 2018

Arising Out of PS.Case No. -332 Year- 2017 Thana -BANIAPUR District- SARAN

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Manish Kumar Singh, S/o Prabhunath Singh, R/o Lawan Kala, P.S.-
Baniapur, District- Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate.

For the Opposite Party : Mr. Jitendra Kumar Singh, APP,98

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-07-2018 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 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 124.92
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
124.92 liters wine is recovered from the motorcycle which was



standing in open field situated at the back of house of co-accused Kasim Mian. The name of the petitioner has come as the motorcycle in question parked at the place of occurrence is said to be of the petitioner. It is further submitted that the said motorcycle in question was already sold by the petitioner to one Shambhu Rai which is evident from Annexure-2 to the present application prior to the alleged date of occurrence. 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 6th Additional District and sessions Judge, Saran, in connection with Baniyapur P.S. Case No. 332 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)

