

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44295 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- RAGHUNATHPUR District- Siwan

Mithun Baitha @ Sunil Baitha S/o Late Gyani Baitha, R/o Vill.- Tari Bazar,
P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2018 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, 308 of the I.P.C. and Sections 30(1), 38(1), 41(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 24.840 liters wine is recovered.

It has been submitted on behalf of the petitioner that 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 side of the Bathan of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is



alleged that 24.840 liters wine is recovered from the side of the Bathan 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.

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 2nd Additional Sessions Judge, Siwan in connection with Raghunathpur P.S. case No.46 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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