

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51967 of 2018

Arising Out of PS.Case No. -176 Year- 2018 Thana -WARISNAGAR District- SAMASTIPUR

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Ratnesh Kumar Mahto S/o Rajendra Mahto, R/o Vill.- Purnahi, P.S.- Waris
Nagar, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 273, 290 of the Indian Penal Code and Sections 38, 41, 30(a), 37(B), 37(And ¾ of Dowry Prohibition Act) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 128 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 on the basis of disclosure made by the co-accused Manoj Kumar. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 128 liters wine is recovered from the house of Manoj Kumar. 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 Addl. District & Sessions Judge-VI-cum-Special Judge, Excise Act, Samastipur in connection with Warisnagar P.S. Case No. 176 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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