

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61579 of 2018

Arising Out of PS. Case No.-147 Year-2017 Thana- DALSINGHSARAI District- Samastipur

Manoj Singh @ Manoj Mishra, Son of Mahendra Singh @ Mahendra Mishra, Resident of Village- Ward No. 14, Kishanpur, Ghataho, P.S.- Dalsingsarai, Ghataho, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-10-2018 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 30(a), 38(I), 38(II), 39(a) and 41(I) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.095 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 on the basis of disclosure made by the co-accused namely Ajay Kumar.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1.095 liters wine is recovered from co-accused Ajay 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./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 6th Additional Sessions Judge -cum- Special Judge, Excise, Samastipur in connection with Dalsinghsarai Gataho P.S. Case No. 147 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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