

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60358 of 2018

Arising Out of PS. Case No.-133 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Sanjay Kumar Mishra @ Sanjay Mishra S/o Surendra Mishra, R/o
Prabhatpuri, Birla Chowk, Lane No. 18, P.S.- Kaji Mohammadpur, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 5.625 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 the
recovery is made from the cow shed belonging to joint family 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 5.625 liters wine is recovered from the cow shed belonging to the joint family 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./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 Special Judge, Excise, Muzaffarpur in connection with Excise Case No. 133/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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