

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65409 of 2018

Arising Out of PS. Case No.-238 Year-2018 Thana- BAKHARI District- Begusarai

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Nayan Kumar @ Baban Mahto, s/o- Vidyanand Mahto, r/o- village
Gamhariya, P.S.- Navkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2018 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 103 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 local residents. The name of local
residents, who have named the petitioner, has not been disclosed
by the prosecution. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 103 liters wine is recovered from Rajesh Sada. 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 Additional Sessions Judge-II-cum- Special Judge, Begusarai in connection with Bakhri P.S. Case No. 238/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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