

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41985 of 2018

Arising Out of PS. Case No.-951 Year-2017 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Chandan Mahto @ Chandan Kumar S/o Late Bulaki Mahto, R/o Mohalla-
Kedar Nath Road, Bharat Matha Asthan, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 323, 337, 353, 120B, 272, 273, 427 of the I.P.C. and Sections 30(a), 38(2), 41, 47, 37(C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 38 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 come on the disclosure of co-accused Raja Kumar and Mukesh Kumar. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 38 liters wine is recovered from the shop. The shop in question does not belong to 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 3rd Addl. Sessions Judge-cum-Special Judge, Excise, Muzaffarpur in connection with Town (Muzaffarpur) P.S. case No.951 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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