

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57946 of 2018

Arising Out of PS. Case No.-185 Year-2017 Thana- MANIHARI District- Katihar

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Doli Mahto S/o- Manik Mahto, R/o- Naya Tola, Manihari, P.S.- Manihari,
District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2018 Counsel for the petitioner is permitted to make

necessary correction in paragraph 4 of the petition in course of

the day.

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 4 liters wine is

recovered.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent and there is no

allegation of tampering of witnesses alleged against the

petitioner. The name of the petitioner has transpired as the



alleged recovery is made from the joint house of the petitioner where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 4 liters wine is recovered from the joint house 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.

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 A.D.J. 2nd-cum-Special Judge of the Excise and Prohibition Act, Katihar in connection with Manihari P.S. case No.185 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

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(Sudhir Singh, J)

