

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1523 of 2018

Arising Out of PS.Case No. -262 Year- 2017 Thana -MURLIGANJ District- MADHEPURA

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1. SUSHIL MANDAL @ SUSHIL KUMAR MANDAL, Son of Late Gopal Mandal, resident of Murliganj Jairampur Ward No. 10, P.S.- Murliganj, District- Madhepura.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

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

The prosecution story, in brief, is that 3.375 litres of liquor is said to have been 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 basis of disclosure made by co-accused, as per F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It



is alleged that 3.375 litres of liquor is recovered from co-accused. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Murliganj P.S. Case No.262/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, Excise Act, Madhepura, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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