

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2047 of 2018

Arising Out of PS.Case No. -383 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Mithilesh Manjhi S/o Late Hari Manjhi, R/o Village- Mirjapur, Ahara Par,
P.S.- Muffasil, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate.

For the Opposite Party : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 47 of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that 2 Kg. of Jawa
Mahua is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that 2 Kg. of Jawa Mahua is recovered from
courtyard of joint house of the petitioner. The name of the



petitioner has transpired in the present case as the recovery has been made from joint house of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 or 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 the learned Special Judge (Excise Act), Gaya, in connection with Muffasil P.S. Case No. 383 of 2016 (G.R. No. 4230 of 2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

