

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.41659 of 2018**

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Bindhyachal Tiwari @ Mintu Tiwari, Son of Bashudeo Tiwari, Resident of  
Village- Rajdiha, P.S.- Dumraon, District- Buxar.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      17-07-2018      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 Sections 30(a) and 41(1) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 360 liters  
wine 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 total 360 liters wine is recovered from three  
different places. Out of which, 36 liters wine is said to have been  
recovered from the motorcycle in question. The name of the  
petitioner has come on the basis of alleged recovery made from



the motorcycle in question. The petitioner is alleged to be the owner of the motorcycle. The said motorcycle was given by the petitioner to a co-villager for his personal use. 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/ Complaint Case.

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 A.D.J.-IInd-cum-Special Judge (Excise) Act, Buxar, in connection with Dumraon P.S. Case No. 177 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**