

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71631 of 2018

Arising Out of PS. Case No.-136 Year-2018 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Arbind Mahto, Son of Late Prakash Mahto, Resident of Village-Pawra, P.S.
Cheriya Bariyarpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2018 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 12 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 E-
rickshaw in question belongs to the petitioner. The said E-
rickshaw is driven by the driver of the petitioner as public



carrier transport. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 12 liters wine is recovered from the E-rickshaw in question. 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 Sri Anil Kumar Sinha, learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Begusarai in connection with Cheriya Bariyarpur P.S. case No.136 of 2018, 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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