

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15040 of 2018

Arising Out of PS. Case No.-247 Year-2017 Thana- HARSIDHI District- East Champaran

Nitish Giri @ Nitish Kumar, s/o- Rajbali Giri, r/o- village Bhada Ward No. 5,
Giri Tola, P.s.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. MRITUNJAY KUMAR NIRALA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Sections 30(A) and 38(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 114.3 liters wine is 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 transpired on the basis of disclosure made by the co-accused namely Shivamtullah. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 114.3 liters wine is recovered from co-accused Maqbul Mian. 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/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 Special Judge, Excise, Motihari in connection with Harsidhi P.S. Case No. 247 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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