

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15933 of 2018

Arising Out of PS.Case No. -80 Year- 2017 Thana -MUSRIGHARARI District- SAMASTIPUR

Nilendra Giri @ Nilendra Kumar Giri, S/O Saraoj Giri, resident of Bathua,
Giritola, P.S. Musarigharari, District-Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anita Kumari Singh, Advocate.

For the Opposite Party : Mr. Ram Sumiran Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-03-2018 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 272, 273/34 of the IPC,
30(a), 38(i), (ii), 41(i)(ii) and 47 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 6 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total 6
liters wine is recovered from the house of co-accused Ajit Jha. The



name of the petitioner has come on the basis of disclosure made by co-accused Ajit Jha. 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 Special Judge (Excise), Samastipur, in connection with Tr. No. 644 of 2018, arising out of Musarigharari P.S. Case No. 80 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

