

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45788 of 2018**

Arising Out of PS. Case No.-160 Year-2018 Thana- MANIHARI District- Muzaffarpur

Jiyalal Rai S/o Sri Kailash Rai, R/o Vill.- Jamaharua, P.S.- Maniyari, District-  
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Kalyan Shankar

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

2      27-07-2018                      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, 273/34 of the I.P.C. and Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1166.400 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 alleged recovery is made from the abandoned house belonging to the joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 1166.400 liters wine is recovered from the abandoned house 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 learned Special Judge, Excise Act, Muzaffarpur in connection with Maniyari P.S. case No.160 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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