

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49673 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -SHEOHAR District- SHEOHAR

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Mukesh Kumar @ Mukesh Singh S/o Sanjay Singh, R/o Vill.- Baisahi, P.S.
& District- Sheohar.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a)/47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 135 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, Munna Singh @ Amit Singh. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 135



liters wine is recovered from three different places. Nothing incriminating has been recovered from the conscious possession of the petitioner. None of the places in question belongs to the petitioner. The other similarly situated co-accused namely, Rajan Sah has already been granted anticipatory bail by this court vide order dated 07-05-2018 passed in Cr. Misc. No. 27271 of 2018. 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 1st Additional District & Sessions Judge-cum-Special Judge, Sheohar in connection with Sheohar P.S. Case No. 40 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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