

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50606 of 2018

Arising Out of PS. Case No.-246 Year-2018 Thana- MURLIGANJ District- Madhepura

Chhotu Mandal @ Chhotu Kumar, S/o Ramnath Mandal, Resident of
Village- Murliganj, Goushala Chowk, Ward No. 04, P.S.- Murliganj, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, in short, is that 40 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
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 Sanjeev
Kumar Shah. Except for this, there is no other substantive
evidence to suggest the implication of the petitioner in this case.



It is alleged that 40 liters wine is recovered from the tempo in question. The said tempo in question does not belong to the petitioner. 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, Madhepura in connection with Murliganj P.S. Case No. 246 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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