

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29625 of 2018**

Arising Out of PS. Case No.-89 Year-2018 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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Mantun Yadav @ Mantun Kumar S/o Munna Yadav, R/o Vill.- Sikandarpur,  
Rajaura, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam  
For the Opposite Party/s : Mr. Khurshid Anwar

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

2      15-05-2018                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 25(1-B)A, 26, 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 18.360 liters wine and one country made pistol and two live cartridges are 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 as the motorcycle belongs to the petitioner. He had given the same to the co-villager for his personal use. It is alleged that one country made pistol and two live cartridges are recovered from co-accused Rajnish Kumar. Total 18.360 liters wine is recovered from the dalan of Munna Yadav and



from a Bolero including the motorcycle in question, out of which 720 ml wine is recovered from the motorcycle in question. 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.

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 Additional Sessions Judge II-cum-Special Judge, Excise Act, Begusarai in connection with Muffasil P.S. case No.89 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

**(Sudhir Singh, J)**

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