

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25101 of 2018

Arising Out of PS.Case No. -187 Year- 2017 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Munna Kumar @ Munna Mahto, S/o Jai Prakash Mahto @ Prakash
Mahto, Resident of Village- Korai, P.S.- Deepnagar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections-20A, 38(1) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 391 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 Manoj Yadav. Except for this, there is
no other substantive evidence to suggest the implication of the
petitioner in this case. It is alleged that 391 liters wine is recovered
from a Pick up Van in question. The Pick up Van 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. The other co-accused namely, Rahul Kumar has been granted anticipatory bail by this court vide order dated 12-12-2017 passed in Cr. Misc. No. 55602 of 2017.

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 6th Additional Sessions Judge-cum-Special Judge, Excise, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 187 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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