

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45538 of 2018

Arising Out of PS. Case No.-89 Year-2018 Thana- JOKIHAT District- Araria

Phulo Mukhiya S/o Nandan Mukhiya Residence of Village - Brachhiya P.S.
Hayaghat, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that total 693 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 petitioner is alleged to be the owner of one of the vehicles in question. The said vehicle is run as public carrier by the driver of the petitioner. The petitioner had no knowledge regarding the goods being loaded by the transporter. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that total 693 liters wine is recovered, out of which 522 liters wine is recovered from the vehicle of 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.

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 2nd Addl. Sessions Judge-cum-Special Judge, Araria in connection with Spl. Case No.446 of 2018 arising out of Jokihat P.S. case No.89 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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