

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52405 of 2018

Arising Out of PS.Case No. -68 Year- 2018 Thana -SAHAJITPUR District- SARAN

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1. Mithun Pratap Singh @ Katiman Singh, Son of Rameshwar Singh,
Resident of Village- Najiba, Police Station- Sahajitpur, District- Saran at
Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 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, 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 2008.80 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 as the
petitioner is said to have been identified by police party along with
other 13 persons in torch light. Neither the petitioner is known to
the police party nor the police party is known to the
petitioner. Hence, the identification itself is doubtful. Except for
this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 2008.80 liters wine is recovered from the truck in question. The truck 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.

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 District Judge, Saran at Chapra in connection with Sahajitpur P.S. Case No. 68 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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