

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1816 of 2018

Arising Out of PS.Case No. -18 Year- 2017 Thana -TARIYANI CHAPRA PS District- SHEOHAR
=====

Shambhu Mahto

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30(a) 38 of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that 180 Milliliters of
liquor is said to have been recovered from co-accused.

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 come on the basis of
disclosure made by co-accused before police, as per F.I.R. Except
for this, there is no other substantive evidence to suggest the
implication of the petitioner in this case. It is alleged that 180
Milliliters of liquor is recovered from co-accused Chunnu Kumar.



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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Tariyani P.S. Case No.18/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Sheohar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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