

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17233 of 2018

Arising Out of PS. Case No.-133 Year-2017 Thana- CHARIABARIYARPUR District-
Begusarai

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MUKESH ISHWAR @ LUKARUA @ LAKRUA Son of Lalan Ishwar at the
resident of Siwari, P.S. Cheriya Bariyarpur (Manjhaul), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. SHAILENDRA KUMAR -1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 81 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-accuseds namely Bablu
Kumar and Murari Kumar. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner
in this case. It is alleged that 81 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./complaint case.

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 Cheriya Bariyarpur P.S. Case No. 133 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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