

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22208 of 2018

Arising Out of PS. Case No.-85 Year-2017 Thana- SIKARPUR District- West Champaran

Mani @ Mani Jee @ Nil Mani Mishra Son of Shambhu Mishra Resident of
Ram Nagar Belagola, ward No. 20, Police Station- Ram Nagar, District- West
Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-04-2018 Learned counsel for the petitioner is permitted to

make necessary correction in the prayer portion of the present

application in course of the day.

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(a), 30(I), 38(I), 38(II) of the Bihar

Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2.6 liters wine is

recovered.

It has been submitted on behalf of the petitioner that

the petitioner has got no criminal antecedent. 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 Nayem Mian.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2.6 liters wine is recovered from the house of co-accused Bittu 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 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 Special Judge, Excise, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 85/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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