

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22522 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -KALYANPUR District- SAMASTIPUR

Manish Ram, S/o Surendra Ram, R/o Vill.- Kalyanpur, P.S.- Kalyanpur,
District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar, Advocate.

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 272, 273 of the Indian Penal
Code and 38, 47, 30(a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 138.60
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
138.60 liters wine is recovered from the bush which is situated at
the back of the house of the petitioner. The name of the petitioner
has come on the basis of disclosure made by local *Chaukidar* as



well as local residents as per the F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 or 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 the learned 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur, in connection with Kalyanpur P.S. Case No. 40 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)