

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38588 of 2018

Arising Out of PS.Case No. -36 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District -
KATIHAR

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1. Madan Hansda S/o Late Munshi Hansda, R/o Chhohar Santhali Tola,
P.S.- Falka (Pothia O.P.), Distt. - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Sri Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, in short, is that 12 litres wine, 400
kg. Java Mahua 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 as the alleged recovery was made
from joint house of the petitioner. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that 12 litres wine, 400 kg. Java Mahua is recovered from joint house of 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 A.D.J.-II-cum-Special Judge, Excise Act, Katihar in connection with C1 case No. 36 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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