

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40193 of 2018

Arising Out of PS. Case No.-468 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Bittu Jha @ Bineet Kumar, S/o Mithilesh Jha, R/o Village- Basauli, P.S.-
Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State. A supplementary affidavit has been filed on
behalf of the petitioner. The same is kept on record.

Counsel for the petitioner is permitted to make
necessary correction in paragraph 3 of the present application in
light of statements made in the supplementary affidavit.

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 488.52 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 come on the basis of secret information as per F.I.R. The source and genuineness of the secret information 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. It is alleged that 488.52 liters wine is recovered from the car and abandoned hut of the petitioner. The car in question and the abandoned hut do 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. Other co-accuseds have been granted anticipatory bail vide Annexure-2 to this application.

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 A.D.J.-II-cum-Special Judge, Excise Act, Muzaffarpur in connection with



Excise Case No. 468/17, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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