

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45545 of 2018

Arising Out of PS. Case No.-223 Year-2018 Thana- MARHAURA District- Saran

Surendra Manjhi Son of Late Dinanath Manjhi Resident of Village - Jagdishpur (Dew Bahuara), P.S.Marhowrah, District Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a), 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 10 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 in the present case as the informant (police) claims to have identified the petitioner in the light of the jeep. The petitioner is not acquainted with the informant nor the informant acquainted with the petitioner. The identification made by the informant itself is



doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 10 liters wine is recovered from the side of the road as per the F.I.R. 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 6th A.D.J., Saran, Chhapra in connection with Marhowrah P.S. case No.223 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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