

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17952 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- BALIYA District- Begusarai

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ASHOK KUMAR @ ASHOK MAHTO S/o Ram Sewak Mahto Resident of
Village - Lakao Nipuriya Tola, P.S.- Muffasil, O.P. Lakho, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections-30(i), 32, 41(i) of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 1650 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 petitioner is in custody since 03-01-2019. Charge
sheet in this case has already been submitted. The petitioner is
not named in the FIR. The name of the petitioner has transpired
in this case on the basis of confessional statement of Bhola



Mahto. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1650 liters wine is recovered from an open field. 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 not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Excise Act, Begusarai in connection with Ballia P.S. Case No. 188 of 2018.

(Sudhir Singh, J)

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