

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39954 of 2019

Arising Out of PS. Case No.-112 Year-2019 Thana- BRAHMPUR District- Buxar

MANAN TIWARI, Son of Harinarayan Tiwari Resident of Village- Bishupur,
P.S.- Nanijore, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-06-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with
Brahmpur (Nanijore) P.S.Case No. 112 of 2019 registered under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation, as per the FIR, is that the police, while on
patrolling duty, caught hold one Ashwini Kumar Yadav and
recovered 8.640 litres of foreign liquor and in his statement he
disclosed the name of the petitioner.

Mr. Bachchan Jee Ojha, learned counsel for the petitioner
submits that petitioner is innocent and his name transpired on
the confessional statement of the co-accused. He further submits
that nothing has been recovered from the conscious possession
of the petitioner as such no case under Section 30(a) of the
Excise Act has made out against him and petitioner has got no



criminal antecedent.

After having heard learned counsel for the petitioner and State and upon perusal of the materials available on record, it appears that name of the petitioner has occurred on the basis of statement of co-accused who was arrested by the police and there is no recovery of illegal liquor from the conscious possession of the petitioner. Upon perusal of FIR, no *prima facie* case is made out against him as such I am inclined to grant privilege of anticipatory bail to him.

Accordingly, let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum-Special Judge, Excise Act, Buxar in connection with Brahmpur (Nanijore) P.S. Case No. 112 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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