

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70202 of 2018

Arising Out of PS. Case No.-255 Year-2018 Thana- KASBA District- Purnia

Mithu Sarkar @ Mithu Kumar Son of Late Mahadev Sarkar, Resident of
Modi Tola, Chandani Chowk Kasba, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273/34 of the Indian Penal Code and Sections-30(a), 38(i) & 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 639.960 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 name of the petitioner has transpired on the basis of disclosure made by the co-accused Shashi Kant Yadav. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 639.960 liters wine is recovered from the house of Shashi Kant Yadav. 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 Additional Sessions Judge-IIInd-cum-Special Judge, Excise, Purnea in connection with Special Excise Case No. 841 of 2018 arising out of Kasba P.S. Case No. 255 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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