

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33746 of 2020**

Arising Out of PS. Case No.-197 Year-2019 Thana- SANGRAMPUR District- East  
Champaran

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MANTU TIWARI SON OF LATE NAYAN TIWARI Resident of Village-  
Sihorwa Pandey Tola, P.S.- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

2      26-02-2021                      Heard learned counsel for the petitioner and learned  
  
APP for the State.

Learned counsel for the petitioner is directed to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks.

The petitioner is apprehending his arrest in a case  
registered under Section-30(a), 35 & 38 of the Bihar Prohibition  
and Excise Act.

The prosecution case, in short, is that 118.88 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 in this case  
on the basis of secret information. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 118.88 liters wine is recovered from the bush in an abandoned state. 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-VII-cum-Special Judge, Excise Act, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 197 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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