

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47048 of 2017

Arising Out of PS.Case No. -138 Year- 2017 Thana -SILAW District- NALANDA
(BIHARSHARIFF)

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1. Nivas Kumar Son of Mangar Singh @ Om Prakash Singh @ Om Prakash
Sharma, Resident of Village-Panki, Police Station-Silao, District-Nalanda.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 11-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Section 30 of Bihar Excise Amendment Act.

The prosecution case, in brief, is that 182 litres of
liquor is said to have been 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 come on the basis of confessional statement
of co-accused made before police as per F.I.R. Except for this,
there is no other substantive evidence to suggest the implication
of the petitioner in this case. It is alleged that 182 litres of liquor



is recovered from the abandoned husk house. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Silao P.S. Case No. 138/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum Special Judge (Excise), Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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