

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59567 of 2017

Arising Out of PS. Case No.-389 Year-2016 Thana- BARH District- Patna

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Rambali Paswan S/o Late Kali Paswan, R/o Village- Fate Chand, P.S.- Barh,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh
For the Opposite Party/s : Mr. SAKIR AHMAD

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(a)(c) of the Bihar Prohibition and Excise Act, 2016.

Allegation is that five gallons liquid Gur is said to have been recovered from the house of the petitioner.

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. It is alleged that five gallons liquid Gur is recovered from the joint house of the petitioner. Same does not come within the purview of intoxicant as defined under the Excise Act. Hence, no offence is being made out under the Excise Act. The offence under the



Act only relates to intoxicant fit for human consumption. 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 A.C.J.M., Barh, Patna in connection with Barh P.S. case No.389 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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