

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58892 of 2017

Arising Out of PS.Case No. -265 Year- 2017 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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1. Suren Kumar, S/o Birju Mahto, @ Birju Prasad, Resident of Village-
Umaid Nagar, Police Station- Deepnagar, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in a case
instituted under Sections 30, 30(a), 35(a), 35(b) of Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 66.5 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 disclosure made by the
local residents as per the F.I.R. The name of the local residents
who have named the petitioner, has not been disclosed by the
prosecution. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 66.5 litres of liquor is recovered from the joint house and dicky of motorcycle of the petitioner. 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 Deepnagar P.S. Case No.265/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions 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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