

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59963 of 2017

Arising Out of PS.Case No. -559 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. Anil Kumar @ Anil Kumar Gupta S/o Jamadar Prasad, R/o Uttarwari
Dwar Devi Chowk, Ward No.9 in front of India Public School, P.S.-
Kalibag, O.P.- (Bettiah Town), District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Ms. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2017 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(a) of Bihar Prohibition and Excise
Act, 2017.

The prosecution story, in brief, is that 467.120 litres of
liquor is said to have been recovered from co-accused Mukhlal
Mahto.

It has been submitted on behalf of the petitioner that
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 467.120 litres of liquor is said to have been recovered from a pick up van of Mukhlal Mahto. 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 Bettiah Town P.S. Case No.559/2017, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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