

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61079 of 2017

Arising Out of PS. Case No.-323 Year-2017 Thana- MUFFASIL District- West Champaran

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Anil Kumar @ Anil Kumar Gupta S/o Jamadar Prasad, wrongly stated in F.I.R. Jawahar Prasad, R/o Village - Dumari, P.S. - Yogapatti, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. S. EHTESHAMUDDIN

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 204.285 liters wine is recovered from a vehicle.

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 Abhay Kumar 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 204.285 liters wine is recovered from a vehicle. The said vehicle does not belong to 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 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 Special Judge, Excise, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. case No.323 of 2017, 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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