

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54486 of 2017

Arising Out of PS.Case No. -485 Year- 2017 Thana -AGAMKUAN District- PATNA

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Bipul Kumar, S/o Jay Mangal Kunwar, R/o Chandmari Road, Bir Kunwar Singh, Road No. 11, Kankarbagh, Patna, Owner of Maxi Van BR-01-GE6697.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jagannath Singh, Advocate.

For the Opposite Party : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-12-2017 Heard learned counsel for the petitioner and learned counsel for the State.

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

The prosecution story, in brief, is that 285 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the



petitioner. The name of the petitioner has come on the basis of secret information as per the F.I.R. The source and genuineness of the secret information 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 285 liters wine was being loaded on a Pick-up Van. The petitioner is said to be owner of the said Pick-up Van which he runs as a Public Carrier. The petitioner was not on the spot. Pick-up Van is run by the driver of the Van. 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 or 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 the learned Special Judge, Excise Act,



Patna, in connection with Agamkuan P.S. Case No. 485 of 2017, arising out of Special Case No. 6699 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

