

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40115 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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1. Alok Kumar Son of Sri Lala Singh, R/o Village- Mohanpur (Mohini Panchayat), P.S.- Kurdhari, District- Muzaaffarpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Onkar Nath

For the Opposite Party/s : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 11-12-2017 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(a) and 38(i) of Bihar Prohibition and Excise Amendment Act, 2016.

The prosecution story, in brief, is that 369 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 confessional statement co-accused made before police as per Complaint. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in this case. It is alleged that 369 litres of liquor is recovered from the possession of co-accused. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the same. 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 Complaint.

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 Case No. C-31/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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