

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58456 of 2017

Arising Out of PS.Case No. -441 Year- 2017 Thana -SUPAUL District- SUPAUL

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1. Pavan Kumar Choudhary @ Pavan Choudhary, Son of Sri Lal Bahadur Choudhary, Resident of Ward No.22, Nagar Parishad, Supaul, P.S.+District- Supaul.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Arbind Kumar Pandey

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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(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 13.5 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 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 13.5 litres of liquor is recovered from a bike in question. 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 not 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 Supaul P.S. Case No.441 of 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-cum-Additional Sessions Judge-I, Supaul, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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