

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59631 of 2017

Arising Out of PS.Case No. -70 Year- 2017 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Birendra Kumar Singh S/o Anirudh Singh, R/o Village and P.O.-
Jamodhi, P.S.- Piro, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh

For the Opposite Party/s : Mr. Ramesh Chandra

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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 Sections 272, 273, 120(B) of the Indian Penal
Code and Section 30 of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that 2646 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. It is
alleged that 2646 litres of liquor is recovered from the car and
truck in question. The name of the petitioner has come on the
basis of seized Scorpio. The petitioner is said to be the owner of
Scorpio in question. Only 6.4 litres of liquor is recovered from the



Scorpio in question. The petitioner runs the Scorpio in question as a Taxi. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 Nokha P.S. Case No. 70/2017, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Court, Excise, Rohtas, Sasaram, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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