

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58236 of 2017

Arising Out of PS.Case No. -68 Year- 2017 Thana -MOKAMAH District- PATNA

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1. Santosh Kumar @ Karu, S/o Akhileshwar Prasad Singh @ Albela Singh,
R/o Village- Shivnar, P.S.- Mokama, Barh, Dist- Patna, Bihar.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh

For the Opposite Party/s : Mr. Narsingh Tanti

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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(ka) of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that 50 litres of wine
is recovered from the Dhaba in question.

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 50 litres of wine is recovered from the Dhaba 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 Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is 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 Mokama P.S. Case No. 68/2017, Special Case No.1576/2017 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), Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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