

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59708 of 2017

Arising Out of PS.Case No. -181 Year- 2017 Thana -MAHKAR District- GAYA

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1. Raja Ram Chaudhary, S/o Late Chalitra Chaudhary, resident of Village-Kurwa, P.S. Mahkar, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

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

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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 of the Indian Penal Code and Section 30(a) (d) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 10 litres of Mahua liquor along with 20 Kg of Jawa Mahua is said to have been recovered from the house 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 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 10 litres of Mahua liquor along with 20 Kg of Jawa Mahua is recovered from the house in question. The house does not belong to the petitioner. 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 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 Mahkar P.S. Case No. 181/2017 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), Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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