

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59722 of 2017

Arising Out of PS.Case No. -288 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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1. Santosh Kumar, Son of Kapildeo Prasad, resident of Village Panapur,
P.S. Minapur, Distt. Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. C. Jawahar

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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 47(a),54, 57 of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 192.21 litres of
liquor is said to have been recovered from a godown of Ganpati
Kirana Store.

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 suspicion. Except for
this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 192.21 litres of liquor is recovered from a godown of Ganpati Kirana Store. 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 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 Excise Case No.288/2016, 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 Act, 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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