

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46764 of 2017

Arising Out of PS.Case No. -85 Year- 2017 Thana -DORIGANJ District- SARAN

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1. Umesh Rai son of Dinanath Rai, resident of Village- Balwan Tola, Police Station- Doriganj, District- Saran (Chapra).

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hari Mohan Tripathi

For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-12-2017 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, 30(A) and 38 of Bihar Prohibition and Excise (Amendment) Act, 2016 and 7 of the E.C. Act.

The prosecution case, in brief, is that 491.25 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 in course of investigation on the basis of suspicion. It is alleged that 491.25 litres of liquor is recovered



from the Gumti of co-accused Jhalak Rai and Fatak Rai. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged occurrence. 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 Doriganj P.S. Case No. 85/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI, Chapra at Saran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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