

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55602 of 2017

Arising Out of PS.Case No. -187 Year- 2017 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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Rahul Kumar @ Rahul S/o Lalan Prasad Singh, R/o Mohalla- East Indra Nagar, Road No.- 8-1, P.O.- Lohia Nagar, P.S.- Kankarbagh, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar No.1, Advocate.

For the Opposite Party : Mr. Amitesh Kumar, A.P.P.

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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 for the offence registered under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 391 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 391 liters wine is recovered from the vehicle in question. The petitioner is said to be the owner of the vehicle in question which is run by the driver. The name of the petitioner has



come on the basis of document of the vehicle which was kept in the vehicle as per the F.I.R. 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 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District and Sessions Judge-cum-Special Judge, Excise, Nalanda, Bihar Sharif, in connection with Rajgir P.S. Case No. 187 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)