

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61109 of 2017

Arising Out of PS. Case No.-295 Year-2017 Thana- AURANGABAD TOWN District-
Aurangabad

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Dharmendra Paswan @ Dhamaindra Paswan Son of Mangru Paswan Resident
of Mohalla- Yamuna Nagar, P.S. Town, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. SATYA NAND SHUKLA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a)/37(b)(c) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 19.2 liters wine is
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 on the basis of confessional
statement of co-accused Bhajju Sonar 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 19.2 liters wine is recovered from co-accused Bhajju Sonar, who was at the cremation ghat. 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/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 learned Additional Sessions Judge VII-cum-Special Judge (Excise), Aurangabad in connection with Aurangabad Town P.S. case No.295 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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