

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59789 of 2017

Arising Out of PS.Case No. -147 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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1. Vijay Kumar, Son of Late Subhash Yadav, Resident of Village-
Bhawanipur, P.S.- Gopalpur, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Asharaf Ansari

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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, 54, 57 of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 32 litres of liquor
is said to have been recovered from the motorcycles 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 seized motorcycle. The
petitioner is said to be the owner of seized Pulsar motorcycle.
Except for this, there is no other substantive evidence to suggest
the implication of the petitioner in this case. It is alleged that 32
litres of liquor is recovered from the motorcycles in question. The



pulsar motorcycle was already stolen. Regarding theft of the said pulsar motorcycle, petitioner had made a complaint vide Annexure-2 to the present application, two days prior to the alleged occurrence. 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 Gopalpur P.S. Case No.147/2016, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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