

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59423 of 2017

Arising Out of PS. Case No.-48 Year-2017 Thana- KOTWALI District- Munger

Subhash Kumar, son of Suresh Prasad Sah, resident of Mohalla- Sadipur, P.S.
Kotwali, District Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. MD. ANSARUL HAQUE

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

Allegation is that 81 liters wine is recovered from a vehicle.

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 secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 81 liters wine is recovered from a vehicle in question. The petitioner is said to be owner of the vehicle in question which he runs as a passenger vehicle. The petitioner was not on the spot. The said vehicle is run by the driver. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the aforesaid 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 Vth, Munger in connection with Kotwali P.S. case No.48 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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