

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58120 of 2017

Arising Out of PS.Case No. -546 Year- 2007 Thana -GOVERNMENT OFFICIAL COMP. District- PATNA

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Umesh Singh, S/o- Late Bindeshwari Choudhary, resident of Village- Sri Mangali Choudhary, Kali Asthan, Bakshi Mohalla, P.S.- Khajekalan, District- Patna.

.... Petitioner
Versus
The State of Bihar

.... Opposite Party
=====

Appearance :
For the Petitioner : Mr. Praveen Kumar, Advocate.
For the Opposite Party : Mr. Rajkishore Singh, A.P.P.
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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 for the offence registered under Section 47 of the Excise Act.

The prosecution story, in brief, is that 45 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. It is alleged that 45 liters wine is recovered from one Subodh Kumar. The name of the petitioner has come on the basis of secret information as per the complaint. The source and



genuineness of the secret information has not been disclosed by the prosecution. The petitioner has been suspected to be involved in the said trade. 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 complaint.

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 8th Additional Sessions Judge-cum-Special Judge, Excise, Patna, in connection with C.B. Case No. 546 of 2007, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

