

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5071 of 2018**

Arising Out of PS.Case No. -104 Year- 2017 Thana -HATHAURI District- MUZAFFARPUR

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1. Amit Kumar S/o Ram Shobhit Ray, R/o Rampur Dakshini, P.O.-  
Rampurhari, P.S.- Hathauri , District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nitu Kumari

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      30-03-2018                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 317 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 transpired in the present case as the petitioner is owner of the vehicle in question. The said vehicle is run as public career by driver of the petitioner. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 317 liters wine is recovered from the vehicle in question. 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 Special Judge, Excise, Muzaffarpur in connection with Hathauri P.S. Case No. 104 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.’

**(Sudhir Singh, J)**

A.K.V./-

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