

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22845 of 2018

Arising Out of PS. Case No.-413 Year-2017 Thana- TAJPUR District- Samastipur

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Lal Bahadur Ray @ Lalo Ray son of Late Ram Sharesth Ray @ Late
Ramshreshtha Ray resident of village - Gangapur, P.S. Tajpur (Waini O.P.),
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 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 Sections 30(a), 38 (I) (ii), 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 105.810 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the alleged recovery is made from the open field and a godown belonging to the joint family 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 1.5.810 liters wine is recovered from the open field and the godown in question belonging to the joint family of the petitioner. 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./complaint case.

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 6th Additional Sessions Judge-cum- Special Judge, Excise, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 413 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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