

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26173 of 2018

Arising Out of PS. Case No.-188 Year-2017 Thana- DIDARGANJ District- Patna

Shankar Rai, Son of Sri Munarik Roy, a resident of Mohalla- Deedarganj in front of Transport Dharm Kanta Daxini Gali, Police Station- Deedarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 109.5 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 cattle shed of the petitioner. The cattle shed is in open area. Except for this, there is no other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 109.5 liters wine is recovered from the cattle shed 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./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 Special Judge, Excise Act, Patna in connection with Special Case No. 8402/2017 (arising out of Deedarganj P.S. Case No. 188/2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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