

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41627 of 2018

Arising Out of PS. Case No.-233 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Surendra Ray, S/o Banaras Ray, Resident of Village Bariyarpur Birji
(Motipur), P.S. Motipur District Muzaffarpur.

... .. Petitioner/s

Versus

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 Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 47(a), 48(2), 53(a), 54 and 57 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 80 liters spirit 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 as the car in question belongs to the petitioner. The said motorcycle is given by the petitioner to his co-villager for his personal use. Except



for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 80 liters spirit is recovered from the car 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, Muzaffarpur in connection with Excise Case No. 233 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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