

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40176 of 2018

Arising Out of PS. Case No.-218 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Shambhu Choudhary, son of Late Sita Ram Choudhary, Resident of Village-
Dighra, Rampur Sah, P.S. Sadar, District Muzffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Verma
For the Opposite Party/s : Mr. Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a), 38 and 45 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 400 ml 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 come on the basis of
secret information as per F.I.R. The source and genuineness of
the secret information has not been disclosed by the prosecution.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 400 ml wine is recovered from the house of Ranjit Kumar Pandey. 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. 218 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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