

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40104 of 2018

Arising Out of PS. Case No.-168 Year-2017 Thana- TURKAULIYA District- East
Champaran

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Prince Kumar @ Mithailal, Son of Madan Prasad, Resident of Village- Semra
Bajar, P.S.- Turkaulia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Ms. Dr. Indihar Kumari

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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 272, 273/34 of the Indian Penal Code and Sections 33, 36, 38(1) & 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1270 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 petitioner is not named in the F.I.R. His name has transpired on the basis of disclosure made by the local Jamadar and Dafadar. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 1270 liters spirit is recovered by the side of the river. 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. Other co-accuseds have been granted anticipatory bail vide Annexure-2 series.

On behalf of the State, it is submitted that the name of the petitioner has transpired in course of investigation.

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, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 168 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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