

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42811 of 2018

Arising Out of PS. Case No.-161 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Ganesh Kumar Son of Ram Lakahan Mahto Resident of Village- Kashipur,
Ward No. 13, Police station- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2018 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(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 750 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 disclosure of co-accused Surya Narayan Prabhakar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 750 ml wine is recovered from the side of betel shop of Surya Narayan Prabhakar. 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.

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 Addl. Sessions Judge 6th-cum-Special Judge, Excise Act, Samastipur in connection with Excise case No.161 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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