

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49394 of 2018

Arising Out of PS. Case No.-355 Year-2018 Thana- KANKARBAGH District- Patna

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Pramod Kumar, Son of Satyendra Prasad, Resident of Village/Mohalla- Main Road, Police Station- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Section 37(C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that the accused persons, in drunken state, was arrested by the police. There is no recovery of liquor in the present case.

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 has been made accused due to mistake of fact. The petitioner was not present at the place of



occurrence. Due to the wrong act committed by the brother of the petitioner, he has been made accused in the present case. There is no breath analyzer test report in respect of the petitioner to show that he has committed an offence under the Bihar Prohibition and Excise Act. There is no recovery of any liquor or intoxicant from the possession of the petitioner.

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, Patna in connection with Special Case No. 3983 of 2018 arising out of Kankarbagh P.S. Case No. 355 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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