

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62751 of 2017**

Arising Out of PS.Case No. -159 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Lal Babu Singh S/o Shyam Singh, R/o Dih Boriya, P.S.- Bibhutipur,  
District- Samastipur.

.... .... Petitioner

Versus

1. The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Mrityunjay Kumar

Mr. Jitendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      12-01-2018                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner seeks bail in a case instituted under  
Sections 272, 273 of Indian Penal Code and Section 30(a)/47 of  
Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case, in brief, is that total 1878.51  
liters wine is recovered from house of the petitioner and co-  
accused.

The petitioner is in custody since 27.07.2017. Charge  
sheet has been submitted in the present case. The petitioner has  
got no criminal antecedent. There is no allegation of tampering of  
witnesses alleged against the petitioner. It is alleged that total  
1878.51 litres of wine is recovered. So far petitioner is concerned,



921.690 litres are said to have been recovered from the abandoned house of petitioner, where no one resides. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Samastipur, in connection with Bibhutipur P.S. Case No.159/2017.

**(Sudhir Singh, J)**

Amit/-

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