

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51528 of 2018

Arising Out of PS.Case No. -76 Year- 2018 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Balajee Kumar @ Baleshwar Mishra @ Balajee @ Baleshwar, Son of Ram Pravesh Mishra, resident of Village- Bishunpur Baghnagari, P.S.- Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 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)(b)(c), 38, 41(a)(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1537 liters 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 transpired on the basis of disclosure made by the co-accused Baijnath Sah. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that 1537 liters wine is recovered from the truck in question. The truck in question does not belong to the petitioner. 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.

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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Gopalganj in connection with Kuchaykot P.S. Case No. 76 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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