

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57419 of 2018

Arising Out of PS.Case No. -670 Year- 2018 Thana -MOTIPUR District- MUZAFFARPUR

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Tuntun Rai @ Tuntun Kumar, S/o Late Murali Rai, R/o Vill.- Mahmmadpur
Balmi, P.S.- Motipur, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pawan Kumar Singh, Advocate.

For the Opposite Party : Mr. Amrendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 272, 273 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 400 liters
spirit is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total 400
liters spirit is recovered from joint house of the petitioner. The
name of the petitioner has come in the present case on the basis of



alleged recovery made from joint house of the petitioner where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned Court of Special Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No. 670 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)