

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72502 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- PIYAR District- Muzaffarpur

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Bhagat Rai @ Shivshankar, S/o Ramdev Rai, Resident of Village-Loharkha,
P.S. Piyar, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

For the Opposite Party/s : Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the IPC and Sections-30(a), 35(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 110.4 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the alleged recovery is said to have been made from the bush situated by the side of house of the petitioner. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in this case. It is alleged that 110.4 liters wine is recovered from the bush situated by the side of house of 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 Special Judge, Excise, Muzaffarpur in connection with Piyaar (Hatha O.P.) P.S. Case No. 191 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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