

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16179 of 2018

Arising Out of PS.Case No. -403 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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1. Pawan Yadav @ Pawan Rai, Son of Late Bahadur Rai, Resident of
Village- Paigambarpur, P.S.- Siwaipatti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-03-2018 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) & 38 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 1363.68 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 in the present case as the alleged
recovery is said to have been made from a straw house of the
petitioner. It has been submitted that the straw house in question



does not belong to the petitioner. The recovery was made from an open straw house. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1363.68 liters wine is recovered from a straw house in question. 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.

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 P.R. No. 29/17-18, Excise Case No. 403 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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