

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14385 of 2018

Arising Out of PS.Case No. -127 Year- 2017 Thana -BHAGWANPUR District- BEGUSARAI

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1. Chhotu Kumar S/o Sikandar Rai, R/o Village- Pasapur, P.S.-
Bhagwanpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-03-2018 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, 30(A), 30(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 570 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 against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused Shubham Kumar, Sheochandra and Rahul. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 570 liters wine is recovered from two different places i.e. from the truck and the brick kiln. The brick kiln belongs 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 petitioner is named in the FIR/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 Bhagwanpur P.S. Case No. 127 of 2017 in connection with learned Additional District & Sessions Judge-VII-cum-Special Judge, Excise Act, Begusarai subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.’

(Sudhir Singh, J)

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