

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7151 of 2018

Arising Out of PS. Case No.-269 Year-2017 Thana- GARAUL District- Vaishali

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Brajesh Rai, Son of Ram Briksh Rai, Resident of Village- Mansurpur Halaiya,
P.S.- Goraul (Kathara O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar
For the Opposite Party/s : SMT. REENA SINHA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(A), 32(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that about 1231 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 namely Md. Rashid, Md. Nazim, Md. Khalid and Ranjit. Except for this, there is no other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that about 1231 liters wine are recovered from a truck and a Tata Magic vehicle which were parked in front of the house of the petitioner. The vehicles in question do 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 Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 269 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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