

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15176 of 2018

Arising Out of PS. Case No.-307 Year-2017 Thana- VISHNUPAD District- Gaya

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Raja Kumar @ Sani Kumar @ Sanni @ Badka Balli, s/o- Shambhu Prasad @
Shambhu Sahni Kewat, r/o- mohalla New Colony, Dandi Bagh, Ghunghni
Tand, P.S.- Vishnupad, District- Gaya. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Opposite Party/s : Mr. INDRA KUMAR SINGH

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 353, 337, 427 and 34 of the Indian Penal Code and Sections 30(A) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8 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 Sanjay Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 8



liters wine is recovered from the motorcycle in question. The motorcycle in question does 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. Other co-accused has been granted anticipatory bail vide order dated 27.02.2018 passed in Cr. Misc. No. 11745 of 2018.

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/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, Gaya in connection with Vishnupad P.S. Case No. 307/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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