

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7894 of 2018

Arising Out of PS. Case No.-105 Year-2017 Thana- SARAI District- Vaishali

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Gopal Kumar @ Gopal Kumar Sinha, S/o Sri Ram Autar Prasad, resident of
Village- Hasanpur, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad
For the Opposite Party/s : Mr. AJAY KUMAR JHA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2018 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) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that about 1647 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 Kumar Gaurav.
Except for this, there is no other substantive evidence to suggest
the implication of the petitioner in this case. It is alleged that



about 1647 liters wine is recovered from three different vehicles in question. None of the vehicles in question 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 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- Hajipur in connection with Sarai P.S. Case No. 105 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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