

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17777 of 2018

Arising Out of PS.Case No. -29 Year- 2018 Thana -SHEKHPURA District- SEKHPURA

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1. Prience Kumar Son of Gore Choudhary resident of Mohalla- Jamalpur Bigha, Police Station and District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272, 273 & 188 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 22 liters wine is recovered.

It has been submitted on behalf of the petitioner that 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 informant claimed to have identified the petitioner fleeing away. The petitioner is not acquainted with the person who claimed to have identified the petitioner nor the said person is acquainted with the petitioner. Hence the question of identifying the petitioner itself is doubtful. Except for this, there is no other substantive evidence to



suggest the implication of the petitioner in this case. It is alleged that 22 liters wine is recovered from the motorcycle in question The motorcycle 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.

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 Ist Addl Sessions Judge, Sheikhpura in connection with Excise Case No. 28 of 2018 arising out of Sheikhpura P.S. Case No. 29 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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