

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2152 of 2018

Arising Out of PS. Case No.-68 Year-2017 Thana- MOKAMAH District- Patna

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Akhileshwar Prasad Singh @ Albela Singh @ Akhileshwar Singh, aged about 72 years, S/o Late Gita Singh, R/o Village- Shivnar, P.S. Mokama, Barh, Dist.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh

For the Opposite Party/s : Mr. KANHAIYA KISHORE

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 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(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 48.975 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 in the present case as the recovery has been made from the Dhaba, which is run by the son of the petitioner. The petitioner is 72 years of age. Except



for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 48.975 liters wine is recovered from the Dhaba in question. 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 Special Judge, Excise, Patna in connection with Mokama P.S. case No.68 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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