

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8100 of 2018

Arising Out of PS. Case No.-344 Year-2017 Thana- RAXAUL District- East Champaran

Surenbra Das S/o Bhagan Das, R/o Village- Bharatmahi, P.S.- Raxaul
(Haraiya O.P.), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. AJIT KUMAR

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 38 liters nepali 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 identification made by S.P.O. Shashikant Kumar. The source of identification has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 38 liters nepali wine is recovered from the different motorcycles in question. The said motorcycles 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 Special Judge of Excise Act, Motihari in connection with Raxaul P.S. Case No. 344 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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