

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22484 of 2018

Arising Out of PS.Case No. -22 Year- 2017 Thana -MALI District- AURANGABAD

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Amrendra Kumar Singh, Son of Kamta Singh, Resident of Village
Narchahi, P.S. Mali, District Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate.

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 120 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. It is alleged that total 120 liters wine is recovered from
motorcycle in question. The name of the petitioner has come on
the basis of alleged recovery made from the motorcycle of the
petitioner. It is further submitted that the said motorcycle has
already been sold by the petitioner prior to institution of the F.I.R.



which is evident from Annexure-2 to the present application. The petitioner has been made accused in the present case due to mistake of fact. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned Additional Sessions Judge-VII-cum-Special Judge(Excise), Aurangabad, in connection with Mali P.S. Case No. 22 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)