

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16391 of 2018

Arising Out of PS. Case No.-333 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Dipak Kumar S/o Late Lalbabu Prasad, R/o Vill.- Sangrampur, P.S.-
Sangrampur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. MURLIDHAR

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section 38(2) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 128.4 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 as the
alleged recovery is made from the hut situated at the back of the
house of the petitioner. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 128.4 liters wine is recovered from the hut situated at the back of the house of 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./complaint case.

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 4th Additional Sessions Judge, East Champaran at Motihari in connection with Excise Case No. 333/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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