

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19238 of 2018

Arising Out of PS.Case No. -202 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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Arun Kumar, Son of Ajay Kumar, resident of village- Loharchak Ward
No. 10, Kutumba, P.S.- Kutumba, District- Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mrs. Leelawati Kumari, Advocate.

For the Opposite Party : Mr. Anil Prasad Singh, A.P.P. 210.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 04-04-2018 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(ii) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 30 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. The petitioner has falsely been implicated in the present
case. It is alleged that total 30 liters wine is recovered from two
different motorcycles in question. Out of which, 10 liters wine is
recovered from the motorcycle which is alleged to be of the



petitioner. The petitioner is not named in the F.I.R. His name has come in course of investigation. The said motorcycle was given by the petitioner to a co-villager for his personal use. 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 not 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 Kutumba P.S. Case No. 202/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

