

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18933 of 2018

Arising Out of PS.Case No. -428 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District -
MUZAFFARPUR

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Subodh Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-04-2018

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), 32(2), 38, 41 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 2491.2 litres 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 disclosure made by the local
residents. The name of local residents, who have named the petitioner,
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 2491.2 liters wine is recovered near the



bamboo clamp situated by the side of the Devi Asthan. 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. The other co-accused namely, Binod Sah and Raja Sahni have been granted anticipatory bail by this court vide order dated 15-03-2018 passed in Cr. Misc. No. 14977 of 2018.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./Complaint.

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, Muzaffarpur in connection with Excise Case No. 428 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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