

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2567 of 2018

Arising Out of PS.Case No. -138 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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Manish Kumar, S/o Umesh Kumar Srivastawa, R/o Mohalla- Rastriya Ganj,
P.S.- Phulwarisharif, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay,
Advocate.

For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that total 567 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 567 liters wine is recovered from the
Tata Ace vehicle in question. The name of the petitioner has
transpired in the present case being the owner of the said vehicle



from which recovery is said to have been made. The vehicle in question was being run as a Public Carrier by the driver of the petitioner. 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 complaint.

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 District & Sessions Judge-VIII-cum- Special Judge, Excise, Patna, in connection with Spl. Case No. 7170 of 2017 (arising out of Phulwarisharif (P.R.) Case No. 138 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)