

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.24694 of 2018**

Arising Out of PS.Case No. -2 Year- 2018 Thana -PUPRI District- SITAMARHI

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1. Pankaj Kumar Rai son of Sita Sharan Rai resident of Village - Ghughla,  
P.S. - Pupri, District - Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      27-04-2018                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-341, 323, 354, 379, 506/34 of the Indian Penal Code and Section-30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 375 ml. 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 present prosecution has been instituted at the instance of a private party who is informant of the present case. The present case has been instituted out of enmity between the informant and the petitioner.



As per the FIR, the informant has taken 375 ml. wine to the police station with allegation that the same belongs to the petitioner and co-accused Rakesh Kumar. There is no recovery from conscious possession of the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. It is a mala fide prosecution.

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

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 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Pupri P.S. Case No. 02 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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