

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28026 of 2018

Arising Out of PS.Case No. -402 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District-
NAWADA

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Akash Sao @ Akash Kumar, S/o Late Krishna Sao, R/o Vill.- Rasanpur,
P.S.- Warisaliganj, District- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Devendra Prasad Singh and Mr. Uma
Kumar, Advocates

For the State : Mr. Rajballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-05-2018 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 47(a) & (f) of the Bihar
Excise Act.

The prosecution story, in brief, is that total 30 liters
wine alongwith 300 Kg Jawa Mahua 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 alongwith 300 Kg Jawa



Mahua is recovered from the joint house of the petitioner. The name of the petitioner has come on the basis alleged recovery made from the joint house of the petitioner where other family members also reside. 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 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 A.D.J.-II-cum-Special Judge, Nawada, in connection with G.O. Case No. 402 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)