

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17348 of 2018

Arising Out of PS.Case No. -33 Year- 2017 Thana -BRAHMPURA District- MUZAFFARPUR

- =====
1. Arun Rai @ Arun Kumar Yadav Son of Sri Shivjee Rai, Resident of Village/Mohalla-Gausnagar, Hasna Gaddi, P.S.-Gaighat, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 2 28-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30(a), 38 & 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3456 liters 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 co-accused namely, Deepak Kumar and Dharamveer Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 3456 liters wine is recovered from the truck in question. The truck does not belong to the petitioner. 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, Deepak Kumar has already been granted anticipatory bail by this court vide order dated 07-07-2017 passed in Cr. Misc. No. 29829 of 2017.

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 Additional Sessions Judge-cum-Special Excise Judge, Muzaffarpur in connection with



Brarhampura P.S. Case No. 33 of 2017, 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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