

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27027 of 2018

Arising Out of PS. Case No.-175 Year-2017 Thana- GWALPARA District- Madhepura

Santosh Kumar @ Santosh Yadav S/o Bhuneshwari Yadav, R/o Vill.-
Bajinathpur, Ward No. 5 (O.P.), P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar
For the Opposite Party/s : Smt. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 353 of the Indian Penal Code and Sections 30(a), 37(b), 37(c) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 461.6 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 Laxman Kumar. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 461.6 liters wine is recovered from the car in question. The car in question 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.

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/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 Sri Shiv Kumar, Judicial Magistrate, 1st Class, Uda-Kishunganj, Madhepura in connection with Gwalpara P.S. Case No. 175/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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