

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19658 of 2018

Arising Out of PS.Case No. -149 Year- 2017 Thana -PATNA CITY CHOWK District- PATNA

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Upendra Rai, S/o Late Shobhit Rai Resident of GhaghaGali, P.S. Chowk,
District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rudal Singh, Advocate.

For the Opposite Party : Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2018 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 Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 100.500
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
100.500 liters wine is recovered from the house of co-accused
Sunil Kumar Prasad. The name of the petitioner has come on the



basis of disclosure made by co-accused Sunil Kumar Prasad. 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 Special Judge, Excise, Patna, in connection with Chowk P.S. Case No. 149/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

