

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26001 of 2018

Arising Out of PS.Case No. -54 Year- 2018 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Krishna Rai, S/o Late Hari Rai @ Hari Nandan Prasad Yadav, R/o Vill.-
Bhargawa, P.S.- Sugauli, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Madhurendra Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The prosecution story, in brief, is that total 600 liters
spirit 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 600
liters spirit is recovered from open field belonging to the petitioner



in abandoned state. The name of the petitioner has come on the basis of alleged recovery made from open field belonging to the petitioner. 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 4th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 54 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)