

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25413 of 2018

Arising Out of PS.Case No. -193 Year- 2016 Thana -GAYGHAT District- MUZAFFARPUR

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1. Subodh Prasad Singh Son of late Ram Sagar Singh Resident of Village
Jaya P.S. Gaighat, Distt. Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned APP for the
State.

The petitioner is apprehending his arrest in a case registered
under Sections-273 & 273 of the Indian Penal Code and Sections-30(a)
and 35(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2539 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 petitioner is
alleged to be owner of the vehicle in question. The said vehicle is being
run as public carrier by the driver of the petitioner. Except for this,
there is no other substantive evidence to suggest the implication of the
petitioner in this case. It is alleged that out of 2539 liters



recovered wine, 216 litres wine is alleged to have been recovered from the Car in question. The car belongs to the petitioner. The said car is being run by driver of 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.

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 Special Judge, Excise Act, Muzaffarpur in connection with Gaighat P.S. Case No. 193 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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