

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27141 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- MAUZAHDIPUR District- Bhagalpur

Aditya Sen @ Laddu Yadav Son of Kapildev Prasad Kapil Resident of
Mohalla - Teacher Colony Maheshpur, P.S. - Babarganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Smt. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2018 Learned counsel for the petitioner is permitted to
delete paragraph 10 of the application in course of the day.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 97 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 as the
alleged recovery is made from the abandoned outhouse 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 97 liters wine is recovered from the abandoned outhouse. 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 learned A.D.J.-4, Bhagalpur-cum- Special Judge, Excise, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 40/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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