

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35 of 2018

Arising Out of PS. Case No.-446 Year-2017 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Rajesh Patel Son of Late Chatarbhuj Patel resident of Mohalla Sahu Road
Near Chatarbhuj Memorial, P.S. Town, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Opposite Party/s : Mr. BHARAT LAL

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 38(1), 38(2), 47, 48 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 100.200 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 come on the basis of disclosure made by the co-accused Chandan Kumar as per F.I.R. Except for this,



there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 100.200 liters wine is recovered from the joint house of the petitioner, where the other family members also reside. 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 Muzaffarpur Town P.S. case No.446 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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