

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31481 of 2018

Arising Out of PS.Case No. -63 Year- 2018 Thana -WARISNAGAR District- SAMASTIPUR

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1. Md. Azad S/o Md. Abbas, R/o Vill.- Satmalpur, P.S.- Warisnagar,
District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Sri Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 23-05-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Warisnagar P. S. Case No. 63 of 2018, corresponding to G.R. No.269/2018, registered for offences punishable under Sections 273 of the Indian Penal Code and Section 30(a), 38, 41 and 37(a) of Bihar Liquor Prohibition and Excise Act, 2016.

The prosecution case as lodged on the basis of written complaint, in short, is that nearly 2925 liters of Foreign Liquor were recovered from truck.

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 on the basis of disclosure made by the co-accused namely, Md. Ahsan. Except, for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2925 liters wine is recovered from the truck in question. The truck in question does not belong to 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.

Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount in connection with Warisnagar P.S. Case No. 63 of 2018 corresponding to G.R. No.269/2018 to the satisfaction of learned Additional District Judge-III-Cum-Special Judge, Excise Act, Samastipur subject to the condition laid down under Section 438 (2) of the Criminal Procedure Code.

(S. Kumar, J)

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