

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38330 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -KALYANPUR District- SAMASTIPUR

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Nitin Kumar, Son of Rameshwar Singh @ Rajeshwar Prasad Singh,
Resident of Village- Ladaura, Police Station- Kalyanpur, District-
Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar, Advocate.

For the Opposite Party : Mr. Kumar Uday Pratap, APP 238

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 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 Sections 272, 273 of the IPC and 38,
47 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 450 liters
wine 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 450
liters wine is recovered from Brick-kiln. The Brick-kiln in
question does not belong to the petitioner. The name of the
petitioner has come on the basis of disclosure made by the local



residents and local *Chowkidar* as per the F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. 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 3rd Additional Sessions Judge-Cum-Special Judge, Excise Act, Samastipur, in connection with Kalyanpur Police Station Case No. 44 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

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