

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41310 of 2018

Arising Out of PS.Case No. -187 Year- 2017 Thana -NAUBATPUR District- PATNA

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MUKUL @ MUKUL KUMAR @ MUKHUL KUMAR @ MUKUL ANAND, son of Sri Om Prakash Sharma, resident of Village- Chechaul, P.S. Naubatpur, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vibhuti Ranjan Sonvadra, Advocate.

For the Opposite Party : Mr. S. Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-07-2018 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 30, 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 85.500 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 85.500 liters wine is recovered from the Boring Chamber of Raj Kumar. The name of the petitioner has come in the present case on the basis of seized vehicle. The petitioner denies the ownership of



the said vehicle in question. There is no recovery of any liquor from the vehicle in question. 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 Special Judge (Excise), Patna, in connection with Special Case No. 3547 of 2017, arising out of Naubatpur P.S. Case No. 187 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

