

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43480 of 2018

Arising Out of PS. Case No.-273 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Rakesh Kumar Singh @ Chunnu Thakur, S/o Late Kailash Thakur, Resident
of Mohalla- Gannipur, Near Kendriya Vidyalaya, P.S.- Kazi Mohammadpur,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a)(d), 32(1) (2), 37(d), 38(1)(2),
41(1) and 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 87 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
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 local residents. The name of
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. It is alleged that 87 liters wine is recovered from the school canteen. 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 Special Judge, Excise Act, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 273 of 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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