

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1046 of 2018

Arising Out of PS.Case No. -253 Year- 2017 Thana -SULTANGANJ District- PATNA

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Sanjay Kumar @ Sanjay Sao @ Barsati, Son of Nawal Sao, resident of
Village- Sandalpur, P.S. Bahadurpur, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rudra Deo, Advocate.

For the Opposite Party : Smt. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 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(a), 38 and 41 (1) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 1.125 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 1.125
liters wine is recovered from the co-accused Suraj Kumar. The
name of the petitioner has come on the basis of disclosure made



by the co-accused. 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.

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 Additional District and Sessions Judge-VIII-cum-Spl. Judge (Excise), Patna, in connection with Spl. Case No. 7660 of 2017, arising out of Sultanganj P.S. Case No. 253 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)

