

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63628 of 2017

Arising Out of PS. Case No.-216 Year-2017 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Binod Choudhari, Son of Gareri Choudhari @ Rajdeo Choudhari, resident of
Village- Bhukhan Bigha, Police Station- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. INDRA KUMAR SINGH

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 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), 38, 44 and 45 of the Bihar Prohibition and Excise Act, 2016.

The Prosecution case, in short, is that total 110 liters wine and 40 kg Mahua flower 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 come on the basis of secret information as per F.I.R. The source and genuineness of the secret information 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 total 110 liters wine and 40 kg Mahua flower is recovered from different places. So far petitioner is concerned, 30 kg Mahua flower is said to have been recovered from the kirana shop of the petitioner. The same was being sold as cattle feed. The Mahua flower does not come within the meaning of intoxicant. The petitioner has been made accused due to mistake of fact. 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/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, Gaya in connection with Magadh Medical P.S. case No.216 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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