

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42352 of 2018**

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Chhotu Kumar @ Chhotu Kumar Patel, Son of Prabhat Kumar Patel @  
Prabhat Kumar Yadav, Resident of Mohalla- Sampatchak, P.S.-  
Sampatchak, District- Patna.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr.

For the Opposite Party : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      17-07-2018      Heard learned counsel for the petitioner and learned APP for  
the State.

The petitioner is apprehending his arrest in a case  
registered Section-30(a) of the Bihar Prohibition and Excise Act,  
2016.

The prosecution case, in short, is that 11.25 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 as the alleged  
recovery is said to have been made from a motorcycle. Except for  
this, there is no other substantive evidence to suggest the  
implication of the petitioner in this case. It is alleged that 11.25



liters wine is recovered from the motorcycle in question which belongs to the brother of the petitioner. 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/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, Patna in connection with Jakkanpur P.S. Case No. 93 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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