

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46795 of 2018

Arising Out of PS.Case No. -552 Year- 2018 Thana -AHIAPUR District- MUZAFFARPUR

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1. Suman Kaushik @ Raja Kaushik son of Uma Shankar Sahni resident of village - Rasolpur, Saiyad Wajid, P.S. Ahiyapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-08-2018 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), 38(1) & 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1394 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. 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 joint Khatal of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of



the petitioner in this case. It is alleged that 1394 liters wine is recovered from the Khatal and Pick up Van. Neither the Pick up Van nor the Khatal belongs to 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, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 552 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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