

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.714 of 2018

Arising Out of PS.Case No. -178 Year- 2017 Thana -RAFIGANJ District- AURANGABAD

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1. Povind Singh S/o Paltan Singh, R/o Village- Gothani, P.S.- Rafiganj,
Distt.- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30(A), 38(1) and 38(2) of Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 606.4 litres of
liquor is said to have been recovered from Bolero pick up van in
question.

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 come on the basis of disclosure made by the
local chowkidar. Except for this, there is no other substantive
evidence to suggest the implication of the petitioner in this case. It



is alleged that 606.4 litres of liquor is recovered from a Bolero pick up van in question. The said Bolero pick up van does not belong 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Rafiganj P.S. Case No.178/2017, G.R. No.1412/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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