

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49795 of 2018**

Arising Out of PS.Case No. -181 Year- 2018 Thana -RAMGARH District- BHABHUA (KAIMUR)

=====

1. Kamakhya Narayan Pandey S/o Sri Nathuni Pandey Resident of Village Kalani, P.S. Ramgarh, District- Kaimur(Bhabhua).

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Binod Kumar

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

2      16-08-2018                      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(i)/56(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 13.500 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 petitioner is said to be owner of the tempo in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that 13.500 liters wine is recovered from a tempo in question. The said tempo is run as a public carrier by the driver 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), Kaimur at Bhabua in connection with Ramgarh P.S. Case No. 181 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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