

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50671 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- GARDANIBAG District- Patna

Bablu Kumar Son of late Deo Charan Prasad Resident of Yarpur, Rajputana,
P.S. Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 38(i) (ii) and 41 (I) (ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 13 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 on the basis of disclosure made by the co-accuseds namely Vicky Kumar and Amir Alam. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case.



It is alleged that 13 liters wine is recovered from the open field situated in front of the house 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./complaint case.

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 Special Case No. 1893/2018 arising out of Gardanibagh P.S. Case No. 68 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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