

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52024 of 2018

Arising Out of PS. Case No.-202 Year-2017 Thana- UJIYARPUR District- Samastipur

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Hari Lal Sah S/o Late Lalo Sah, R/o Vill.- Chandchaur, Mathurapur, P.S.-
Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 375 ml. 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 petitioner is not named in the F.I.R. In course of investigation, it is suspected that by the consent of the petitioner, co-accused took liquor at the tea stall of the petitioner. There is no recovery of liquor from the tea stall 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 375 ml. wine is recovered by the side of tea stall 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 not 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 Additional Sessions Judge -VI-cum- Special Judge, Excise Act, Samastipur in connection with Ujiyarpur P.S. Case No. 202 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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