

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58297 of 2018

Arising Out of PS. Case No.-373 Year-2018 Thana- MUFFASIL District- West Champaran

Bittu Kumar Sharma @ Bitu Sharma son of Shiv Dayal Sharma, resident of village Banuchhapar, P.S. Bettiah Mufasil (Banuchhapar), District West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 5.250 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is alleged to have identified by the informant. The informant is a Police Officer. The petitioner is not known to him nor the informant is known to the petitioner. Hence, the identification made by the informant itself is



doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 5.250 liters wine is recovered from the side of the road. 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, Bettiah, West Champaran in connection with Bettiah Mufasil (Banuchhapar) P.S. case No.373 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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