

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61582 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Jai Prakash Kumar @ Jai Prakash, Son of Ram Ishwar Prasad Yadav @
Rameshwar Prasad Yadav, Resident of Village- Maliniya Madhopur, Police
Station- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-10-2018 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 180 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 name of the petitioner has transpired as being
owner of the motorcycle in question. The said motorcycle was
given by the petitioner to his co-villager for his personal use.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 180 ml. wine is recovered from the motorcycle in question. 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 Additional District & Sessions Judge -II-cum- Special Judge, Excise Act, Sitamarhi in connection with Case No. C2-15/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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