

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64848 of 2018

Arising Out of PS.Case No. -282 Year- 2018 Thana -DUMRA District- SITAMARHI

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Kedar Singh @ Kedar @ Kedar Sinha @ Kedar Prasanda, S/O Ram Kailash Singh @ Ram Kallash Singh @ Kailash Mahto, R/V- Jawabipur Bariarpur, Ward No. 14, P.S. Sitamarhi, District-Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shankar Kumar, Advocate.

For the Opposite Party : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-10-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 272, 273 of the IPC, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 391.32 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 391.32 liters wine is recovered from Pick-up Van in question. The Pick-up Van in question does not belong to the petitioner. The name of the petitioner has come on



the basis of disclosure made by co-accused Arun Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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. Other co-accused has been granted anticipatory bail by this Court vide Cr. Misc. No. 55762 of 2018 order dated 26.09.2018.

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 or 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 the learned Additional District & Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Dumra P.S. Case No. 282/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)