

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74532 of 2018

Arising Out of PS. Case No.-502 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Katihar

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Ajay Kumar S/o- Srikant Mahto, R/o- Sadalpur, P.S.- Rautara, District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Opposite Party/s : Mr. Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2018 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) read with Section-13 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 132.110 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 petitioner is alleged to have been identified by police party. The petitioner is not known to the police party nor the police party is known to the petitioner. Hence, the identification made by the police party is itself doubtful. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 132.110 liters wine is recovered from the vehicle 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.

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-II-cum-Special Judge, Katihar in connection with Excise Case No. C1-502 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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