

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71097 of 2018

Arising Out of PS. Case No.-598 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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Nitish Kumar son of Satyanarayan Yadav, resident of village Sukmarpur
Nagar Parisad, Police Station & District Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun, Adv.
		Mr. Agreya Pratap, Adv.
For the Opposite Party/s :		Mr. Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 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 3.960 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 name of
the petitioner has transpired in the present case as the police party
claims to have identified the petitioner while fleeing away. 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
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 3.960 liters wine is recovered from co-accused Balram Mandal. 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 Addl. Distt. & Sessions Judge IInd-cum-Special Judge, Excise, Supaul in connection with Misc. Excise No.598 of 2018 arising out of P.R. No.38 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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