

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12589 of 2018

Arising Out of PS.Case No. -475 Year- 2017 Thana -AGAMKUAN District- PATNA

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Shakti Kumar, Son of Kamlesh Choudhary, R/o Mauza-Kumhrar
Baithkapur In Front of Masjid as a renter in the house of Bhola Mahto, P.S.
Agam Kuan, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anurag Anand, Advocate.

For the Opposite Party : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2018 It has been submitted by learned counsel for the

petitioner that due to inadvertent mistake, two bail applications, on

behalf of the petitioner, were filed by two different counsels

before the Hon'ble High Court.

It is further submitted that subsequently Cr. Misc. No.
4174 of 2018 was dismissed as withdrawn on 13.02.2018.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
24.09.2017 in a case registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that total 337.4 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. Charge sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 337.4 liters wine is recovered from abandoned house in question. The name of the petitioner has come on the basis of alleged recovery made from abandoned house in question. The abandoned house in question does not belong to the petitioner. 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, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No. 6414 of 2017, arising out of Agam Kuan P.S. Case No. 475 of 2017.

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(Sudhir Singh, J)

