

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62176 of 2017

Arising Out of PS.Case No. -586 Year- 2017 Thana -SIWAN CITY District- SIWAN

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1. Rocky Kumar @ Sonu Kumar Son of Basant Kumar @ Basant Kumar Gupta R/o Mohalla - Mowleshwarichak, near Ganesh Memorial, Purani Bazar, P.S. Siwan Town, District - Siwan.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case instituted under Sections 30, 36 and 41 of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 18.900 litres of liquor is said to have been recovered from the co-accused Pappu Kumar, Bhagwati Prasad and Gajendra Sah.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the confessional statement of co-accused, as per F.I.R. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 18.900 litres of liquor is recovered from co-accused Pappu Kumar, Bhagwati Prasad and Gajendra Sah. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Siwan Town P.S. Case No.586/2017, on furnishing bail bond 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, Excise, Siwan, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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