

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62158 of 2017

Arising Out of PS.Case No. -642 Year- 2017 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Bhola Pandey

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Ajeet Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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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 30/30A of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that 820 litres of
liquor is said to have been recovered from the open boundary wall
of co-villager Bhushan Kumar.

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
disclosure made by the villagers, as per F.I.R. The name of the
villagers, who have named the petitioner, has not been disclosed
by the prosecution. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 820 litres of liquor is recovered from the open boundary wall of co-villager Bhushan Kumar. 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 Bihar (Biharsharif) P.S. Case No.642/2017, 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-VI-cum-Special Judge, Excise, Nalanda at Biharsharif, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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