

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39447 of 2018

Arising Out of PS. Case No.-50 Year-2017 Thana- DEEPNAGAR District- Nalanda

Suddu Kumar S/o Moti Prasad Mahto Resident of Village Devisarai, P.S.
Deepnagar, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh

For the Opposite Party/s : Mr. Sri Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 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 liters wine is recovered.

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 transpired on the basis of disclosure made by the informant who claims to have identified the petitioner fleeing away. The source of identification has not been disclosed by the informant. The petitioner is not known to the informant nor the informant is acquainted with the petitioner, Hence, the identification made by the informant 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 liters wine is recovered from the motorcycle 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./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. District and Sessions Judge-VI-cum-Special Judge, Excise, Nalanda, Bihar Sharif in connection with Deepnagar P.S. Case No. 50 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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