

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40054 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Arjun Kumar @ Bhikhari Kumar S/o Late Shiv Chandra Singh, resident of
Village- Jahangirpur Salkhanni, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha
For the Opposite Party/s : Mr. S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a) and 35(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 76.5 liters wine
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired as he is
alleged to be landlord of the premises in question. Except for
this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 76.5 liters wine is recovered from the possession of the tenant of the petitioner namely Ajit 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 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 Additional Sessions Judge-II-cum- Special Judge, Vaishali (Hajipur) in connection with Excise Case No. C2A 42/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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