

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43078 of 2018

Arising Out of PS. Case No.-217 Year-2017 Thana- FATUHA District- Patna

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Kavi Kumar @ Kavi Gope @ Munna S/o Sri Prakash Chandra Rai, R/o Vill.-
Raghopur , P.S.- Jurawanpur and District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2018 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 1530 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 co-accuseds namely Sanjeev
Kumar, Raju Rai, Chandan Kumar, Bhawar Lal, Bindeshwar
Das and Bobby Kumar. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 1530 liters wine is recovered from three different vehicles. None of the vehicles in question belong to the petitioner. 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 Special Judge, Excise, Patna in connection with Fatuha P.S. Case No. 217 of 2017 (Special Case No. 2576 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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