

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48660 of 2018

Arising Out of PS.Case No. -114 Year- 2018 Thana -SULTANGANJ District- PATNA

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Bittu Kumar, Son of Sri Ram Narayan Rai, Resident of Mohalla- Sandalpur
Govar Toli, New Azimabad Colony, P.S.- Bahadurpur, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-08-2018 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), 32(2) & 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8.250 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 on the basis of disclosure made by the co-accused namely, Raj Kumar and Rakesh Kumar. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 8.250 liters wine is recovered from the co-accused. 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.

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 Act, Patna in connection with Special Case No. 4442 of 2018 arising out of Sultanganj P.S. Case No. 114 of 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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