

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50970 of 2018

Arising Out of PS.Case No. -176 Year- 2018 Thana -JAHANABAD District- JEHANABAD

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Arun Kumar, S/o Late Rameshwar Paswan @ Late Ram Ishwar Paswan,
R/o Vill.- Jamuk, P.S.- Jehanabad (Kalpa), District- Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Paras Nath, Advocate.

For the Opposite Party : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(a) and 37(b) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 100 ML
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 100 ML wine is recovered from the
open field of one Sakaldeep Paswan situated at the back side of
Panchayat Bhawan. The name of the petitioner has come on the



basis of disclosure made by co-accused Santosh Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 or 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 the learned Additional Sessions Judge-II, Jehanabad, in connection with Excise Case No. 231/2018, arising out of Jehanabad P.S. Case No. 176/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)