IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19187 of 2018

Arising Out of PS.Case No. -361 Year- 2017 Thana -FATUHA District- PATNA

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Ramesh Kumar, Son of Harinandan Rai, Resident of Village-Kripal Tola P.S.-Fatuha District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Usha Kumari Singh, Advocate.
For the Opposite Party : Mr. Shailendra Kumar -1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2018 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 120(B) of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1820 liters 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 1820 liters wine is recovered from the Pick van in question. The name of the petitioner has come on the

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basis of disclosure made by co-accused Pinku Kumar Gupta. 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 Special Judge, Excise-cum-Additional District and Sessions Judge-IV, Patna, in connection with Special Case No. 5350/2017, arising out of Fatuha P.S. Case No. 361/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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