

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25516 of 2018

Arising Out of PS. Case No.-198 Year-2017 Thana- BARACHATTI District- Gaya

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Rahul Kumar, Son of Panchu Singh, Resident of Mohalla- Kiranighat
(Netajee Subhash Path), P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 48, 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 43 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the the petitioner is the owner of the motorcycle which was being used to keep vigilance upon the tempo, from which the liquor is recovered. The said motorcycle in question was given by the



petitioner to the co-villager for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 43 liters wine is recovered from the tempo. The tempo in question does not 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.

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), Gaya in connection with Barachatty P.S. case No.198 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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