

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15701 of 2018

Arising Out of PS.Case No. -123 Year- 2017 Thana -MITHANPURA District- MUZAFFARPUR

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Atesh Kumar @ Sarkar, S/O Awadhesh Paswan @ Abdhesh Paswan, R/V-Md. B.K.K.A. Math, Khadi Bhandar, P.S. Mithanpura, District-Muzaffarpur. Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pranav Kumar, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-03-2018 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 290/34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 107.280 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 107.280 liters wine is recovered from the car in question which does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made



by the local residents as per the F.I.R. The name of the local residents who have named the petitioner has not been disclosed by the prosecution. 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 Excise Judge, Muzaffarpur , in connection with Mithanpura P.S. Case No. 123 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

