

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8090 of 2018

Arising Out of PS. Case No.-42 Year-2015 Thana- KORMA District- Sheikhpura

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Gautam Dhari Son of Ramashish Ram, All are Resident of Village-Murarpur,
Police station-Korma, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. NAND KISHORE PD

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2018 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 Indian Penal Code and
Section 47A of the Bihar Excise Act.

The prosecution case, in short, is that 40 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 as the
alleged recovery is made from the hut which is situated by the
side of the house of the petitioner. Except for this, there is no
other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 40 lites wine is recovered from the hut in question in an abandoned state. The said hut in question is in a dilapidated condition. 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 Addl. District and Sessions Judge-I, Sheikhpura in connection with Korma P.S. Case No. 42 of 2015 (arising out of Excise Case No. 353 of 2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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