

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24118 of 2018

Arising Out of PS.Case No. -423 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
SIWAN

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1. Rakesh Singh, son of Sri Bhagwan Singh, resident of Village- Jalalpur,
P.S. Daraunda, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2018 Supplementary affidavit has been filed on behalf of the

petitioner. Let it be kept on record. In pursuance of the statement made

in supplementary affidavit, counsel for the petitioner is permitted to

make necessary correction in paragraph-3 of the main petition in course

of the day.

Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 527.76 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there is
no allegation of tampering of witnesses against the petitioner. The name
of the petitioner has transpired on the basis of disclosure made by one



Anil Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 527.76 liters wine is recovered by side of the road. 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.

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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Excise Case No. C.III-423/17, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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