

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2143 of 2018

Arising Out of PS. Case No.-173 Year-2017 Thana- RAJNAGAR District- Madhubani

Rahul Purbey @ Rahul Kumar Purbey son of Birendra Purbey, resident of
Mohalla Maharajganj, P.S. Madhubani Town, District Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. MRITUNJAY KUMAR NIRALA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 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) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 1090.875 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 come on the basis of disclosure made by the co-accused as per F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1090.875 liters wine is recovered



from the hut of co-accused in abandoned stage. 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 Jnd Addl. District and Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Raj Nagar P.S. case No.173 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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