

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24104 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- SULTANGANJ District- Patna

Md. Nizam, aged about 40 years Son of Md. Mansur Resident of Karbala,
P.S. Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad

For the Opposite Party/s : Mr. Braj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(A), 38 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that about 20 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 raiding party claims to have identified the petitioner. It is further submitted on behalf of the petitioner that neither the petitioner is acquainted with the raiding party nor the raiding party is acquainted with the petitioner, hence, the identification is



doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that about 20 liters wine is recovered from the field near a canal in an abandoned state. 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/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, Patna in connection with Special Case No. 1962 of 2018 arising out of Sultanganj P.S. Case No. 48/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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