

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23594 of 2018**

Arising Out of PS. Case No.-777 Year-2017 Thana- BARACHATTI District- Gaya

Suraj Kumar @ Suraj Kumar Saw, S/o- Shiv Kumar Saw and M/o Manju Devi, Resident of Mohalla- Tilaiya Basti, Ward No. 2, P.S.- Jhumri Tilaiya, District- Kodarma, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Mukeshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3     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 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 600 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 being owner of the vehicle in question. The said vehicle is run by the driver of the petitioner as public carrier. Except for this, there is



no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 600 liters wine is recovered from the vehicle in question. 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, Gaya in connection with Barachatti P.S. Case No. 777/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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