

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28087 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -BUXAR INDUSTRIAL District- BUXAR

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Bharat Singh, son of Birendra Singh, R/o Vill. - Padari, P.S. Buxar (Ind.),
Dist. - Buxar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Kamal Deo Sharma, Advocate.

For the Opposite Party : Smt. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 07-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 272, 273 of the IPC, 30(a)
and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 155.520
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 155.520 liters wine is recovered from
the car in question. The name of the petitioner has come in the
present case as it is alleged that the car in question belongs to the
petitioner. From perusal of the order of the learned Additional



District & Sessions Judge-II-cum-Special Court, Excise Act, Buxar, passed in A.B.P. No. 202/2018 dated 28.03.2018, it is evident that there is no documentary evidence to show that the petitioner is owner of the car in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 or 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 the learned A.D.J.-II-cum-Special Judge, Excise Act, Buxar, in connection with Buxar (Ind.) P.S. Case No. 15/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

