

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28933 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- BARH District- Patna

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Bittu Singh S/o Sri Bhola Singh, R/o Vill.- Berhana, Rampur Tola, P.S.- Barh,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-05-2018 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 204 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as he has been alleged to have been identified by the informant (police). The petitioner is not acquainted with the informant nor the informant is acquainted with the petitioner. Hence the identification made by the informant itself 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 204 liters wine is recovered from co-accused Arjun Singh. 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 Special Judge, Excise Act, Patna in connection with Special Excise case No.560 of 2018 arising out of Barh P.S. case No.31 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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