

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28988 of 2018

Arising Out of PS. Case No.-44 Year-2018 Thana- KALYANPUR District- Samastipur

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Birendra Kumar Singh @ Bir Babu @ Birendra Kumar @ Veer Babu S/o Late
Brijmohan Singh, R/o Vill.- Phoolwariya Ladaura, P.S.- Kalyanpur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Madhuranand Jha

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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 Sections 272, 273 of the I.P.C. and Sections 38,
47, 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 450 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 come on the basis of
disclosure made by the local residents as per F.I.R. The name of
local residents, who have named the petitioner, has not been
disclosed by the prosecution. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 450 liters wine is recovered from the brick kiln. 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 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Kalyanpur P.S. case No.44 of 2018, 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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