

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33995 of 2018

Arising Out of PS.Case No. -121 Year- 2018 Thana -ALOU LI District- KHAGARIA

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Sanjay Poddar, S/o Late Viranchi Poddar, Resident of Village- Thakur Tola, Alauli, P.S.- Alauli, District- Khagaria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Sharma, Advocate.

For the Opposite Party : Mr. Shailendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-07-2018 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 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 38.700 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 38.700 liters wine is recovered from the back portion of house of the petitioner in abandoned state. The name of the petitioner has come on the basis of disclosure made



by the local residents as per the F.I.R. The name of the 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. 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 Additional Sessions Judge-III-cum-Special Judge, Excise, Khagaria, in connection with Alauli P.S. Case No. 121 of 2018 (G.R.No-1042 of 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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