

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38668 of 2018

Arising Out of PS. Case No.-65 Year-2018 Thana- NAWANGAR District- Buxar

Dhanji Bind @ Dhanji Kumar S/o Dipty Bind, R/o vill.- Atimi Bind Toli,
P.S.- Nawanagar (Basudeva O.P.), District- Buxar. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey
For the Opposite Party/s : Mr. Rajballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2018 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 31.320 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 the informant claims to have identified the petitioner fleeing away. The source of identification has not been disclosed. The petitioner is not acquainted with the informant nor the informant is acquainted with the petitioner. Hence, the identification 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 31.320 liters wine is recovered from open field. 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 Additional Sessions Judge -II-cum- Special Judge, Excise Act, Buxar in connection with Nawanagar (Basudeva) P.S. Case No. 65 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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