

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38599 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -AMBA District- AURANGABAD

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1. Md. Hasib Alam S/o Md. Gaphur Alam, R/o Vill.- Ward No. 9, Noori Mohalla, P.S.- Singrauli, District- Singrauli (Madhya Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a), 37(b) and 38 of the Bihar Prohibition and Excise Act, 2016 and 3 and 4 of Mahua Flower Act.

The prosecution case, in short, is that 120 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 in course of investigation as the car from which, recovery was made, belongs to the petitioner. The



said car is run as taxi by driver of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 120 liters wine is recovered from the car in question. 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 7th Additional Sessions Judge-cum-Special Judge, Excise, Aurangabad in connection with Amba P.S. Case No. 100 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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