

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38320 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- CHAURADANO District- East
Champaran

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Lal Prasad Kushwaha @ Radha Mohan Kushwaha, Son of Late Ramayee
Mahto, Resident of Village- Laxman Nagar, P.S.- Mahuawa, Dist- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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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 Sections 272, 273, of IPC and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 55.2 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 on the basis
of disclosure made by the co-accused namely Kapildeo Ram.
Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 55.2 liters wine is recovered by the side of the road. 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 7th Additional Sessions Judge -cum- Special Judge, Excise, Motihari, East Champaran in connection with Chhauradano (Mahuawa) P.S. Case No. 121 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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