IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41078 of 2018

Arising Out of PS. Case No.-90 Year-2018 Thana- GOVERNMENT OFFICIAL COMP. District- Muzaffarpur

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Kanhaiya Chaudhary @ Kanhaiya Kumar, S/o Sri Shyam Chaudhary, R/o Village- Dharbhara Deogan @ Devgan Gharbhara, P.S.- Bochahan, District- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-07-2018 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), 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 732.960 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 come on the disclosure of co-accused Shyam Nandan Mandal. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 732.960 liters wine is recovered from co-accused Shyam Nandan Mandal. 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 A.D.J.-II-cum-Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 90 of 2018, P.R. No. 9/18-19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra

(Sudhir Singh, J)

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