

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41824 of 2018

Arising Out of PS.Case No. -120 Year- 2018 Thana -PHULWARI District- PATNA

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Vivek Kumar, S/o Ramesh Singh, R/o Village- Ghuran Bigha, P.O.-
Kajisara, P.S.- Kako, District- Jehnabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-07-2018 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, 30(a) and 38(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1648.44
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 1648.44 liters wine is recovered from
the Pick-up Van and two cars in question. Out of which, 1315.44
liters is said to have been recovered from the Pick-up Van in
question. The name of the petitioner has come on the basis of



seized Pick-up Van. The petitioner is alleged to be owner of the said Pick-up Van. The Pick-up Van is run as a Public Carrier by the driver of the petitioner. 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 Special Judge, Excise Act, Patna, in connection with Special Case No. 1439 of 2018, arising out of Phulwari Sharif P.S. Case No. 120 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)