

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45464 of 2018

Arising Out of PS. Case No.-36 Year-2018 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Ajay Kumar @ Bittu Kumar, Son of Rajesh Sahni, Resident of Village-
Nadraganj Mallah Toli, P.S.- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2018 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(1)(2), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that total 2223 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 made by co-accused, who has alleged that the motorcycle in question was given to the petitioner. The said allegation is denied by the petitioner. The petitioner was not the owner nor in possession of the motorcycle in



question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that total 2223 liters wine is recovered from four different vehicles. None of the vehicles belongs to the petitioner. 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. Co-accused has been granted anticipatory bail vide Cr.Misc.No.19669 of 2018.

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 Special Judge, Excise, Gaya in connection with Magadh Medical P.S. case No.36 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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