

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46132 of 2018**

Arising Out of PS.Case No. -351 Year- 2018 Thana -MUZAFFARPUR SADAR District-  
MUZAFFARPUR

=====

Chandeshwar Rai @ Chandeshwar Kumar S/o Late Hira Rai, R/o Vill.-  
Nandpuri, P.S.- Sadar, District- Muzaffarpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      31-07-2018      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) & 37(C) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 9.720 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 as the alleged recovery is said to have  
been made from an abandoned hut which is alleged to be 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 9.720 liters wine is recovered from the abandoned hut 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 Special Judge, Excise, Ad. Muzaffarpur in connection with Sadar P.S. Case No. 351 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V./-

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