

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49931 of 2018

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Shiv Kumar Ray @ Shibu Kumar S/o Ram Vinay Ray, R/o Vill.- Sari, P.S.-
Warisnagar, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered under Section-273 of the Indian Penal Code and Sections-38, 41 & 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 18.40 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 joint house of the petitioner where other family members also reside. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 18.40 liters wine is recovered from joint house of 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.

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 ADJ-6th cum-Special Judge, Samastipur in connection with Warisnagar P.S. Case No. 139 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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