

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64420 of 2018

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1. Ishwar Chaudhary, Son of Birja Chaudhary, Resident of Village- Bidesi
Tola Thawe, Police Station- Thawe, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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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 12-10-2018 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), 35 & 38 of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 34.920 litres 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 on the basis of disclosure made by the
local residents. The name of local residents, who have named the
petitioner, has not been disclosed by the prosecution. Except for
this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 34.920 liters wine is recovered from Binod Pasi and a motorcycle in question. The motorcycle in question does not belong 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.

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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Thawe P.S. Case No. 157 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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