

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67752 of 2018

Arising Out of PS.Case No. -304 Year- 2017 Thana -PHULPARAS District- MADHUBANI

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1. Mohan Kumar Singh @ Mohan Singh, Son of Rup Narayan Singh @
Rupan Singh, Resident of Village- Belha, P.S.- Phulparas, District-
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the State : Mr. Jitendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2018 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)(d) & 38 of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 118.200 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 in this case as the alleged recovery is said to
have been made from cattle shed of the petitioner which belongs to
joint family members 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 118.200 liters wine is recovered from eight different houses and out of which, 1.8 litres wine is alleged to have been recovered from the joint cattle shed 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Phulparas P.S. Case No. 304 of 2017, 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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