

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72228 of 2018

Arising Out of PS. Case No.-88 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Sunil Rai @ Sunil Kumar, S/o Sri Jalim Rai, Village- Korlahiya Chhaki, P.S.-
Runi Saidpur, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 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) and 38(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 36.180 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the alleged recovery is made from the open field situated by the side of the house 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 36.180 liters wine is recovered from the open field. The open field 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./complaint case.

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, Muzaffarpur in connection with Katra Anchal P.R. 7/17-18, Excise case No.88 of 2017, 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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