

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62594 of 2017

Arising Out of PS.Case No. -220 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Pintu Kumar Rai S/o Padarath Rai, R/o Village- Dhamaun Brho Tola,
P.S.- Patori, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30(A), 38 and 41 of Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that 939.6 litres of
liquor is said to have been recovered from Alto Car, motorcycle
and Container truck.

It has been submitted on behalf of the petitioners that
the petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioners. It is alleged that 939.6 litres of liquor is recovered
from Alto car, motorcycle and Container truck. The petitioner is



owner of the Alto Car in question from which 90 litres of liquor is recovered. The car in question was being operated by the driver. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Desari P.S. Case No.220/2017, on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise), Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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