

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62793 of 2017

Arising Out of PS.Case No. -223 Year- 2017 Thana -GAUTAMBUDHNAGAR District- SIWAN

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1. Atul Kumar @ Atul Das Singh, Son of Ram Das Singh, Resident of
Village- Jalalpur, P.S. G.B. Nagar, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 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 272, 273 and 308 of Indian Penal Code
and Sections 30(a), 36 and 38 of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that 1534.320 litres of
liquor is said to have been recovered from the half constructed
house of co-accused.

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 come on the disclosure made by local
chowkidar, as per F.I.R. The name of local chowkidar who has



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 1534.320 litres of liquor is recovered from half constructed house of co-accused. 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 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 G.B.Nagar P.S. Case No.223/2017, on furnishing bail bond 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, Siwan, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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