

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.530 of 2018

Arising Out of PS.Case No. -269 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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1. Santosh Kumar S/o Bachan Bhar @ Bachan Rajbhar, R/o Village-
Harihans, P.S.- Hussainganj, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 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, 308 of Indian Penal Code and
30, 36, 38, 41(1) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 86.4 litres of
liquor is said to have been recovered from Bolero car in question.

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 basis of secret information, as
per F.I.R. The source and genuineness of secret information 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 86.4 litres of liquor is recovered from Bolero car in question, which met with an accident. The said car 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 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 Hussainganj P.S. Case No.269/2017, 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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