

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.532 of 2018

Arising Out of PS.Case No. -438 Year- 2017 Thana -MARHAURA District- SARAN

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1. Dinesh Rai S/o Sukhal Rai, R/o Village- Dhanaa, P.S. Isuapur, District- Saran, at Chapra.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Smt. Veena Rani Prasadd.

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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 188, 272, 273, 308 of Indian Penal Code and 30(A), 38 of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 3080 litres of spirit is said to have been 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 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 3080 litres of spirit is recovered from open field of Pappu Singh in an abandoned stage. 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 Marhowrah P.S. Case No.438/2017, 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-VI-cum-Special Judge, Excise, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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