

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63664 of 2017

Arising Out of PS. Case No.-642 Year-2017 Thana- BIHARSHARIF District- Nalanda

Upendra Kumar S/o Rajo Mahto, R/o Village- Mahalpar, P.S.- Bihari
(Biharsharif), District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Ajeet Kumar

For the Opposite Party/s : Mr. INOD SHANKAR MODI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30/30A of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 820 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the basis of disclosure made by the local residents as per F.I.R. The name of the local residents, who have named the petitioner, have not been examined 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 820 liters wine is recovered from an open boundary wall of one Bhushan Kumar. 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.

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 A.D.J. VI-cum-Special Judge (Excise), Nalanda, Bihar Sharif in connection with Bihar (Bihar Sharif) P.S. case No.642 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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