

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62841 of 2017

Arising Out of PS.Case No. -58 Year- 2017 Thana -VIDYAPATINAGAR District- SAMASTIPUR

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1. Vikash Kumar Singh @ Vikash Kumar S/o Chandeshwar Prasad Singh,
R/o Village- Mau Dhaneshpur, P.S.- Vidyapattinagar, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Uday Chand Prasad

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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 of the Indian Penal Code and
Sections 30(a), 35(a), 38(1), 38(2), 41(1) and 41 (2) of Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 98.385 litres
of liquor 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 merely on suspicion, as his name
appeared on a paper recovered from the possession of co-accused



Divyanshu Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that total 98.385 litres of liquor is recovered, out of which 35.385 litres of liquor is recovered from a Maruti car in question and remaining 63 litres of liquor is recovered from the house of Ram Udgar Rai. 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 Vidyapatinagar P.S. Case No.58/2017 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-VI, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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