

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.871 of 2018

Arising Out of PS.Case No. -351 Year- 2017 Thana -RAMKRISHNANAGAR District- PATNA

Sanjay Kumar age about 36 Yeas S/o Shyam Yadav, R/o Jaganpura, Baldeo Chowk, P.S.- Ram Krishna Nagar, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Uday Shankar Choudhary, Advocate.

For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 30(a)(b), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 21 liters wine is said to have been recovered from the house of petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 21 liters wine is recovered from joint house of the petitioner. The name of the petitioner has come on the basis



of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. The alleged recovery has been made from joint house of the petitioner where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 or 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 the learned Special Judge, Excise Court, Patna, in connection with Ram Krishna Nagar P.S. Case No. 351 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)