

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1458 of 2018

Arising Out of PS.Case No. -184 Year- 2017 Thana -DIDARGANJ District- PATNA

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1. Anil Kumar Agarwal @ Anil Agarwal, age about 52 years, S/o- Om Prakash Agarwal, resident of- Durga Bhawan Road, Nala Raod, Behined Petrol Pump, Amrudigali, P.S.- Kadamkuan, Patna, Bankipur, Bihar. 800004 District Patna.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Opposite Party/s : Mr. Nagendra Prasad

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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 instituted under Sections 30(a)/36 of Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution story, in brief, is that total 144 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 on the basis of recovery made from open campus of the petitioner, as per F.I.R. Except for this, there



is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 144 litres of liquor is recovered from open campus, in an abandoned stage. The said open campus belongs 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 Didarganj P.S. Case No.184/2017, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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