**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.43943 of 2018**

Arising Out of PS. Case No.-111 Year-2018 Thana- RUPASPUR District- Patna

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Sonu Kumar S/o Ram Prashish Ray, R/o Vill.- Narayanpur, Dedhpura, P.S.- Mahnar , District- Vaishali.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Uday Kumar
For the Opposite Party/s : Mr. Sri Ajit Kumar

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 120B, 290 of the Indian Penal Code, Section 25(1-b)a of the Arms Act and Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 50.4 liters wine along with one empty cartridge are 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 transpired in the present case as Aadhar card of the petitioner is alleged to have been recovered from the place of occurrence. Except for this,

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there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 50.4 liters wine along with one empty cartridge are recovered from the flat of Suman 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./complaint case.

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 Special Judge, Excise Act, Patna in connection with Special Case No. 2676 of 2018 arising out of Rupaspur P.S. Case No. 111 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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