

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.75415 of 2018**

Arising Out of PS. Case No.-154 Year-2018 Thana- BALRAMPUR District- Katihar

Md. Kalu, S/o Md. Heddu, R/o Kurum Machhali Hat, P.S. Balia Belon, Distt. Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh  
For the Opposite Party/s : Smt. Pushpa Sinha

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

2      14-12-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section-30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 10 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 transpired in this case as the motorcycle in question belongs to the petitioner. The same was given by the petitioner to the co-villager for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case.



It is alleged that 9 liters wine is recovered from the motorcycle in question. 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 Additional Sessions Judge-II-cum-Special Judge, Katihar in connection with Balrampur P.S. Case No. 154 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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