

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.62291 of 2017**

Arising Out of PS.Case No. -149 Year- 2017 Thana -BIHTA District- PATNA

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JYOTISH KUMAR @ JAYTISH @ JYOTISH S/o Surendra Singh, R/o  
Village- Bahapura, P.S.- Bihta, District- Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ganesh Prasad Yadav, Advocate.

For the Opposite Party : Mr. Narendra Kumar Singh, A.P.P.

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

2      09-01-2018                      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), 37(a), (b) and (c) of  
the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 650 liters wine  
is said to have been recovered.

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 650 liters wine is recovered from the car and the motorcycle in question. The car and motorcycle in question do not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by the co-accused Sintu Kumar. 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. Other co-accused have been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. Nos. 15449/2017, 25544/2017 and 51575/2017.

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 Act, Patna, in connection with Special Case No. 785 of 2017, arising out of Bihta P.S. Case No. 149 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)

