

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5049 of 2018

Arising Out of PS. Case No.-133 Year-2017 Thana- VAISHALI District- Vaishali

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Santosh Ram S/o Shiva Nath Ram, R/o Village- Chakjauhar, P.S.- Vaishali,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 11-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 323, 324, 307, 504 of the Indian Penal Code and Sections 30(a), 32(2) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 720 ml. wine is 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. In this case, there is a case and counter case between the parties. The petitioner is alleged to have protested on the seizure of the toddy in question. Both the sides have sustained



injury. Injury on the part of the petitioner's side has not been explained by the prosecution. It is alleged that 720 ml wine is recovered 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./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 Additional Sessions Judge-II-cum- Special Judge, Vaishali, Hajipur in connection with Vaishali P.S. Case No. 133 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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