

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39158 of 2018

Arising Out of PS. Case No.-181 Year-2017 Thana- CHANDI District- Nalanda

Prakash Kumar, S/o Vijay Prasad, R/o Village- Madhopur, P.S. Chandi District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 12.750 liters 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. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Kundan Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that



12.750 liters wine is recovered from the co-accused Kundan 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 6th Addl. District and Sessions Judge-cum- Special Judge, Excise, Nalanda at Biharsharif in connection with Chandi P.S. Case No. 181 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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