

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41826 of 2018

Arising Out of PS. Case No.-306 Year-2017 Thana- MALSALAMI District- Patna

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GARD PASWAN @ OM PRAKASH PASWAN @ OM PRAKASH, Son of
Late Hira Paswan, Resident of Mohalla Mathnital P.S. Mal Salami, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 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, 41 of the Bihar Prohibition and Excise Act, 2016 and Sections 20, 22(a)(b)(c), 25, 25(A) of N.D.P.S. Act.

The prosecution case, in short, is that 16.2 liters wine and 240 gm ganja are 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 as the alleged recovery is made from the joint house of the petitioner where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that 16.2 liters wine and 240 gm ganja are recovered from the joint house of the petitioner. The recovered ganja is below the commercial quantity. 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 of Cr.P.C and Sections 42 and 50 of N.D.P.S. Act.

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, Patna in connection with Malsalami P.S. Case No. 306 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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