

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56993 of 2018

Arising Out of PS.Case No. -185 Year- 2018 Thana -PHULWARIYA District- GOPALGANJ

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Subindra Singh @ Subindra Kumar Singh @ Subhindra Singh, S/o Late Ramnaresh Singh @ Late Naresh Singh, R/o Vill.- Balepur (Balipur), P.S.- Phulwaria (Shripur O.P.), District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate.

For the Opposite Party : Smt. Asha Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 37.995 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 total 37.995 liters wine is recovered from



the *Bathan* belonging to joint family of the petitioner. The name of the petitioner has come in the present case on the basis of alleged recovery made from the *Bathan* belonging to joint family of the petitioner. 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.

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 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 IInd Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj, in connection with Phulwaria P.S. Case No. 185 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)