

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67698 of 2018

Arising Out of PS.Case No. -263 Year- 2018 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Pawan Kumar, Son of Mahendra Rai, Resident of Ward No. 14 Mile
Bhairopur Dyodhi, P.S.-Bidupur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2018 Heard learned counsel for the petitioner and learned APP
for the State.

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

The prosecution case, in short, is that 1485 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
petitioner is alleged to have been identified by the police party.
The petitioner is neither acquainted with the police party nor the
police party is acquainted with the petitioner. Hence, the



identification made by the police party itself is doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1485 liters wine is recovered from the truck in question. The truck in question does not belong to the petitioner. 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.

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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 263 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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