

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14181 of 2018

Arising Out of PS.Case No. -195 Year- 2017 Thana -DIDARGANJ District- PATNA

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1. Binod Rai, son of Yadunandan Rai, resident of Village- Bishunpur
Rajkhand, 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. Mukesh Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-03-2018 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 40 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
petitioner has transpired on the basis of seized motorcycle. The
petitioner is said to be owner of motorcycle-in-question. The
motorcycle-in-question was given to a co-villager for his use at the



time of occurrence. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 40 liters wine is recovered from the said motorcycle of 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 not 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 Additional Sessions Judge-IV-cum-Special Judge (Excise Act), Patna in connection with Didarganj P.S. Case No. 195 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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