

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7495 of 2018

Arising Out of PS. Case No.-100 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Raj Kumar Sah @ Raj Kumar, S/o Late Jagdish sah, Resident of Mohalla-
Akhara Ghat, Karpuri Nagar, P.S.-Nagar, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh
For the Opposite Party/s : Mr. KALYAN SHANKAR

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-02-2018 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), 32(2), 32(3) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 178 liters wine is
recovered.

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 Binod Kumar. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner
in this case. It is alleged that 178 liters wine is recovered from



the hut and Alto Car. The hut and Alto car in question do not belong to the petitioner. Other co-accused has been granted anticipatory bail by this Court vide order dated 14.12.2017 passed in Cr. Misc. No. 60492 of 2017. 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 complaint.

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 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Muzaffarpur in connection with P.R. Case No. 13/2017-18 arising out Excise Case No. 100/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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