

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1650 of 2018

Arising Out of PS.Case No. -78 Year- 2017 Thana -BAHADURGANJ District- KISANGANJ

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Brij Kumar Kanu

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30(A) of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that 302 litres of
liquor is said to have been recovered from car in question.

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 the petitioner has come on the basis of seized scorio car. The
petitioner is said to be the owner of the car in question. The said
car in question was being run by the driver of the petitioner.
Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 302 litres of liquor is recovered from a car in question. 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 the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Special Case No. 167/2017, arising out of Bahadurganj P.S. Case No.78/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Kishanganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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