

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.21478 of 2018**

Arising Out of PS.Case No. -86 Year- 2017 Thana -RAMKRISHNANAGAR District- PATNA

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Bittu Kumar S/o Mukhiya Rai, Resident of Village-Gulmahiya Bag, Pakki Daegah, P.S.-Fatuha, District-Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party : Mr. Dr. Ajeet Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-04-2018                      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 Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 12 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 12 liters wine is recovered from the Tempo in question The Tempo in question does not belong to the petitioner. The name of the



petitioner has come on the basis of disclosure made by co-accused Ashish Kumar and Shailesh Kumar. 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 Special Judge, Excise, Patna, in connection with Ramkrishna Nagar P.S. Case No. 86/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**

