

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

**Criminal Miscellaneous No.4981 of 2018**

Arising Out of PS.Case No. -123 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-  
MUZAFFARPUR

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Ajit Kumar, S/o Late Ram Naresh Singh, R/o Village- Sundarpur Ratbara,  
P.S.- Pear, District- Muzaffarpur, At present residing at the Village  
Sarfuddinpur, P.S.- Bochha, Distt.- Muzaffarpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Alok Kumar Alok and Mr. Man  
Mohan Kumar, Advocates.

For the Opposite Party : Mrs. Anusuiya Jaiswal, A.P.P.

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

5      19-03-2018                      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 47(a), (c), (d)(e),(f)(g), 52(a)  
and (b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2362.900  
liters wine is said to have been recovered.

It has been submitted by learned counsel for the  
petitioner that the petitioner has got no criminal antecedent. There  
is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 2362.900 liters wine is recovered from abandoned brick-kiln in question. The brick-kiln in question does not belong to the petitioner. The name of the petitioner has come as he alleged to have fled away from the brick-kiln where the recovery has been made. The prosecution has not disclosed the source of identification of the petitioner. The petitioner is not known to the informant. 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 Act, Muzaffarpur, in connection with Excise Case No. 123/2016, Tr.



No. 861 of 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)**

