

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

**Criminal Miscellaneous No.26841 of 2018**

Arising Out of PS.Case No. -39 Year- 2018 Thana -JANTA BAZAR District- SARAN

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Ram Babu Ray, Son of Late Dhup Lal Ray, resident of Village- Dayalpur  
(Ahir Tola), P.S. Janta Bazar, District- Saran.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Sanjana, Advocate.

For the State : Mr. Ajay Kumar -2, A.P.P.

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

2      02-05-2018                      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 188, 272, 273/34 of the  
Indian Penal Code, 30, 38, 41 and 66 of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution story, in brief, is that total 176 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 176 liters wine is recovered from the



*Banswari* in question. The name of the petitioner has come on the basis of alleged recovery made from the *Banswari* belonging to the petitioner. 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 Additional Sessions Judge-VIth-cum-Special Judge, Excise Act, Saran at Chapra, in connection with Janta Bazar P.S. Case No. 39 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**

