

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49693 of 2018

Arising Out of PS.Case No. -154 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

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Shambhu Paswan S/o Late Ruplal Paswan, R/o Vill.- Koynam, P.S.-
Kalayanpur, Distt.- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case
registered under Sections-272, 273 of the Indian Penal Code and
Sections 30 & 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8 liters wine is
recovered.

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 transpired as the alleged recovery is said to have
been made from joint house of the petitioner where other family
members also reside. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 8 liters wine is recovered from joint house of the petitioner, as per seizure list. 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.

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 VIth Additional Sessions Judge, Samastipur in connection with Kalyanpur P.S. Case No. 154 of 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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