

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46906 of 2018

Arising Out of PS.Case No. -98 Year- 2018 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Abhishek Kumar son of Ganaur Thakur, resident of Village-
Bhikhanpura, P.S. Deshri (Chandpur O.P.), District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-30(a), 32(2), 34(a)(b), 36, 37(b), 38(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 93 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 one of the motorcycles in question belongs to the petitioner. The said motorcycle was given to the villager for his personal use. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 93 liters wine is recovered from two motorcycles 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 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 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Deshri (Chandpura O.P.) P.S. Case No. 98 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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