

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62258 of 2018

Arising Out of PS.Case No. -76 Year- 2018 Thana -DANDKHORA District- KATI HAR

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Uttam Das @ Uttam Kumar Das, S/o Nomo Das, resident of Banitola
Mochitola, Police Station-Dandkhora, District-Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-10-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case
registered under Section-30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 107.5 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 part of 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 107.5 liters wine is recovered from joint house of the petitioner. 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 A.D.J.-II-cum-Special Judge, Excise Act, Katihar in connection with Dandkhora P.S. Case No. 76 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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