

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4197 of 2018

Arising Out of PS.Case No. -694 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Anand Kumar, S/O Birendra Sahni, R/V- Paura Madan Singh, P.S. Sarai,
District-Vaishali, at present R/M- Rasulpur Wazid, P.S. Ahiyapur, District-
Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate.

For the Opposite Party : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
25.09.2017 in a case for the offence registered under Sections 272,
273 of the IPC and 30(a), 38(I), 41(2) and 47 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 166.740
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.
Charge sheet/prosecution report has been submitted in this case.
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 166.740 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. The name of the petitioner has come on the basis of alleged recovery made from the car in question. The petitioner was also travelling in the car in question. The petitioner had no knowledge regarding the liquor kept in the car in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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, be released on 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 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Muzaffarpur, in connection with Muzaffarpur Town P.S. Case No. 694 of 2017.

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(Sudhir Singh, J)

