

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

**Criminal Miscellaneous No.7223 of 2018**

Arising Out of PS.Case No. -314 Year- 2017 Thana -MOTIPUR District- MUZAFFARPUR

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Visnu Ram @ Vishnu, S/o Jagdish Ram, R/o Village- Jhani Thakur Singh, Awadi, Colony, Baluana, P.S.- Habor Sadar (Baluana), District- Fazilka (Punjab).

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Nafisuzzoha, Advocate.

For the Opposite Party : Mr. Madan Kumar, A.P.P.

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

3      27-02-2018                      Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 12.09.2017 in a case for the offence registered under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1415.52 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 the present 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 1415.52 liters wine is recovered from the Truck in question. The petitioner is alleged to be the driver of Truck. The name of the petitioner has come on the basis of alleged recovery made from the Truck in question. The petitioner had no knowledge regarding the goods booked by the Transporter. 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 Special Judge, Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No. 314 of 2017.

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**(Sudhir Singh, J)**

