

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42131 of 2018

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Pawan Kumar S/o Sambhu Rai R/o Sahbazpur Ambedkar Colony,
Shabhazpur Salem, P.S.Motipur, Distt. - Muzaffarpur, B Factory, Bihar.

.... Petitioner

Versus

1. The State of Bihar.
2. I.G.E.O.U. Unit, Bihar.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Prabhakar Singh
For the Opposite Parties : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 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, 467, 468, 471, 414, 120(b) and 34 of the Indian Penal Code and Sections-30(a), 38 & 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4107.24 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 on the basis of disclosure made by the co-accused namely, Nishan Singh @ Sonu Singh. Except for



this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 4107.24 liters wine is recovered from the truck and Innova Car in question. The petitioner is not the owner either of the truck or Innova car 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 Special Judge, Excise, Patna in connection with Economic Offence P.s. Case No. 05 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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