

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46706 of 2018

Arising Out of PS.Case No. -313 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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1. Md. Eklakh, S/o Md. Salim Nadaf @ Md. Salim Mansuri, Vill.-
Kumhara Vishnupur, P.S.- Dumra, Dist.- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

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

The prosecution case, in short, is that 10 litres wine and 350 kg. Java Mahua is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the poultry farm is said to be of the petitioner.. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 10 litres wine and 350 kg. Java Mahua is recovered from a Poultry Farm and a field in



question. It has been submitted that the petitioner or his family members has no concern either with the Poultry Farm or the field in question. It has wrongly been alleged to be property of family 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 learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi in connection with Complaint Case No. C2/313/18/401/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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