

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58133 of 2018

Arising Out of PS. Case No.-316 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Gulshan Kumar Yadava son of Lalbabu Yadav, resident of Village-
Bhagwatipur, P.S. Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar
For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 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 18 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 one of the members of the S.S.B. is alleged to have identified the petitioner. The petitioner is not known to the said member of the S.S.B. nor the said member of the S.S.B. is known to the petitioner. Hence, the identification itself is doubtful.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 18 liters wine is recovered from the motorcycle in question. The motorcycle in question does not belong to 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./complaint case.

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 A.D.J.-II-cum- Special Judge, Excise Act, Sitamarhi in connection with Case No. C2/316/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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