

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65846 of 2018

Arising Out of PS. Case No.-442 Year-2017 Thana- BAHERA District- Darbhanga

Akhilesh Kumar Singh @ Akhilesh Pd. Singh, s/o- Ganga Singh, r/o- village
Sajanpura, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(A), 32(3) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1035 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 petitioner is not named in the F.I.R.. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Pravin Kumar Singh in course of investigation. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 1035 liters wine is recovered from the three different places. None of the places alleged to be 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 not 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 Additional Sessions Judge -IV-cum- Special Judge, Darbhanga in connection with Bahera P.S. Case No. 442/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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