

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1751 of 2018

Arising Out of PS.Case No. -102 Year- 2017 Thana -TANKUPPA District- GAYA

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Birju Paswan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 272, 273 of Indian Penal Code and
Sections 30(k)(Ga)(Gha) of Bihar Prohibition and Excise
(Amendment) Act, 2016.

The prosecution story, in brief, is that 50 litres of liquor
is said to have been recovered from the forest area.

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 come on the basis of secret information. The
source and genuineness of secret information has not been
disclosed by the prosecution. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 50 litres of liquor is recovered from forest area in an abandoned stage. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Tankuppa P.S. Case No.102/2017, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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