

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3078 of 2018

Arising Out of PS. Case No.-638 Year-2017 Thana- BARACHATTI District- Gaya

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Poon Chaudhary @ Kun Chaudhary, Son of Tetar Chaudhary, resident of
Village- Gajra Garh, Police Station- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan singh

For the Opposite Party/s : Mr. PARMESHWAR MEHTA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-01-2018 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), 30(d), 38, 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that total 30 liters Mahua wine and 20 kg Mahua are 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 transpired as the alleged recovery is said to have been made from the joint house of the petitioner, where other family members also reside. In the house of different accused persons, a raid was made. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in this case. It is alleged that total 30 liters Mahua wine and 20 kg Mahua are recovered. So far petitioner is concerned, only 10 liters Mahua wine is recovered. 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), Gaya in connection with Barachatti P.S. case No.638 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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