

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36315 of 2018

Arising Out of PS. Case No.-217 Year-2017 Thana- FATUHA District- Patna

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Sunny Kumar @ Sunny Kumar Ray, son of Arvind Rai @ Jhalak Rai,
Resident of Village- Chandpura, P.S.- Fatehpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-07-2018 Supplementary affidavit has been filed on behalf of the
petitioner. Let it be kept on the record.

In the light of the supplementary affidavit, counsel for the
petitioner is permitted to make necessary correction in paragraph 3 of
the main application in course of the day.

Heard learned counsel for the petitioner and learned APP for the
State.

The petitioner is apprehending his arrest in a case registered
under Section 120(b) of the I.P.C. and Section 30(A) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1530 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 come on the disclosure of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1530 liters wine is recovered from the side of the river in abandoned state. 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, Patna in connection with Special case No.2576 of 2018 arising out of Fatuha P.S. case No.217 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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