

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50364 of 2018

Arising Out of PS.Case No. -452 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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Sikandra Rai, S/O Kishori Ray, R/V- Mursandi, P.S. Motipur, District-
Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/S. Anish Kumar and Dhananjay Kumar,
Advocates

For the Opposite Party : Mr. Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 527.78
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 527.78 liters wine is recovered from
the Motorcycle and Truck in question. None of the vehicles
belongs to the petitioner. The name of the petitioner has come in



the present case as the petitioner is alleged to be owner of a *Ply Mill* where the Truck and Motorcycle were parked. The petitioner had no knowledge regarding the nature of goods loaded on the Motorcycle and Truck in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 or 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 the learned Special Judge, Excise, Muzaffarpur, in connection with Excise Case No. 452/2017, corresponding to P.R. No. 14/17-18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)