

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22167 of 2018

Arising Out of PS.Case No. -382 Year- 2017 Thana -KADAMKUAN District- PATNA

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Manoj Kumar, S/o late Rajendra Prasad, Resident of East Lohanipur
Khadpur, P.S. Kadamkuan, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shruti Sinha, Advocate.

For the Opposite Party : Mr. Anant Kumar, A.P.P

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2018 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 and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 17.400
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 17.400 liters wine is recovered by the
side of road. The name of the petitioner has come as the police has
claimed to have identified the petitioner as to when the petitioner



is not acquainted with the police personnel who identified the petitioner nor the said police personnel is acquainted with the petitioner. Hence, identification itself is doubtful. 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. 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/ 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, Patna, in connection with Kadamkuan P.S. Case No. 382 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)