

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27647 of 2018

Arising Out of PS.Case No. -234 Year- 2017 Thana -RAJIVNAGAR District- PATNA

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Rahul Kumar, Son of Sri Rajesh Kumar, resident of B-13, Income Tax Colony, Phase- I, Khajpura, P.S. Shastri Nagar, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-05-2018 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 37(a)(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 200 ML 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 200 ML wine is recovered from the roof of Staff Quarter in question. The name of the petitioner has



come on the basis of disclosure made by Deepak Kumar and Banti Kumar. 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 Rajiv Nagar P.S. Case No. 234 of 2017 (Special Case No. 5922 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)

