

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13001 of 2018

Arising Out of PS.Case No. -491 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Brahamdeo Ray @ Brahmddeo Mahto, son of Kalpu Ray, Resident of
Village- Kanhaiya Chauk Jitwarpur, Police Station- Samastipur (Muffasil),
District- Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 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, 36, 38, 41 and 47 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 15.180
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
15.180 liters wine is recovered. As far as petitioner is concerned,
only 8.580 liters wine is recovered from joint house of the



petitioner. The name of the petitioner has come on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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 Additional District & Sessions Judge-6th-cum-Special Judge, Excise Act, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 491 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)