

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19066 of 2018

Arising Out of PS. Case No.-133 Year-2017 Thana- VIDYAPATINAGAR District-
Samastipur

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Divyanshu Kumar @ Raja Kumar @ Raja, S/o Chunchu Singh, resident of
village- Sahit, P.S.- Vidyapatinagar, District- Samsatipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur
For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 272, 273 of the Indian Penal Code and
Sections 30(a), 35(a)(b), 38(1)(2) and 47 of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 21.6 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 19.02.2018. Charge-
sheet/prosecution report has been submitted in this case. There
is no allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired in the



present case on the basis of disclosure made by co-accused Ram Udgar Rai. The petitioner was not apprehended on the spot. It is alleged that 21.6 liters wine is recovered. 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, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District & Sessions Judge-cum- Special Judge, Excise Act, Samastipur in connection with Vidyapatnagar P.S. Case No. 133/2017.

(Sudhir Singh, J)

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