

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48642 of 2018

Arising Out of PS.Case No. -246 Year- 2017 Thana -DORIGANJ District- SARAN

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Krishna Gupta Owner of Pick Up Van bearing Registration No. JH 09-AH-1275 son of Dhaneshwar Gupta JH Sector 9B Nepali Para, P.O. Sector 9, Bokaro, P.S. Bokaro, District Bokaro Jharkhand Pin Code 827009.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bindeshwar Prasad Singh

For the Opposite Party : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in a case registered under Sections-272, 273 & 308 of the Indian Penal Code and Sections-30(A), 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 99 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the petitioner is owner of the Pick up Van in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It



is alleged that 99 liters wine is recovered from the Pick up Van in question. The said Pick up Van is run as a Public Carrier by driver of the petitioner. 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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned Special Judge, Excise, (A.D.J.-VI) Saran at Chapra in connection with Excise Case No. 12968 of 2017 arising out of Doriganj P.S. Case No. 246 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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