

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27217 of 2018

Arising Out of PS. Case No.-57 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Rakesh Kumar @ Rakesh Kumar Mahto, Son of Maheshwar Mahto, resident
of Village- Dholi Etha, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar
For the Opposite Party/s : Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a), 32(i), 38(i), 41(2) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 721.800 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 come on the disclosure of co-accused
Dharmendra Rai. Except for this, there is no other substantive
evidence to suggest the implication of the petitioner in this case.



It is alleged that 721.800 liters wine is recovered from a pick up van. The pick up van in question does not belong to 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 complaint case.

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 Additional District & Sessions Judge 2nd-cum-Special Judge (Excise), Samastipur in connection with Lakhisarai Excise P.S. case No.57C2 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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