

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46747 of 2018

Arising Out of PS.Case No. -114 Year- 2018 Thana -UJIYARPUR District- SAMASTIPUR

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1. Dhiraj Kumar Sah @ Dhiraj Sah Son of Suraj Sah Resident of Village-
Satanpur, Police Station- Ujiarpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-08-2018 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 of the Indian Penal Code and Sections-30(a), 38(i)(ii), 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3.750 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 basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 3.750 liters wine is recovered from the garbage. 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. The other similarly situated co-accused namely, Suraj Sah has been granted anticipatory bail by this court vide order dated 23-07-2018 passed in Cr. Misc. No. 44155 of 2018.

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 6th Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Ujarpur P.S. Case No. 114 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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