

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9998 of 2018

Arising Out of PS. Case No.-159 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Kundan Kumar S/o Jagdish Mahto, R/o Village/Mohalla- Sahiyar Bujurg,
P.S.- Rosera, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-05-2018 Counsel for the petitioner is permitted to make necessary correction in the prayer portion of the petition in course of the day.

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 I.P.C. and Section 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1878 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 Lal Babu Singh. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 1878 liters wine is recovered from co-accused Lal Babu Singh. 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. Other co-accused has been granted anticipatory bail vide Cr.Misc.No.7324 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 Additional Sessions Judge 3-cum-Special Judge, Excise, Samastipur in connection with Bibhutipur P.S. case No.159 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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