

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10523 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Rajesh Kumar, (aged about 26 Years, Gender-Male), S/o Indradeo Yadav,
Resident of village and P.O.-Rajdhanwar, P.S-Dhanwar, Gandhi Chowk,
Dakshin Dhanwar, district- Giridih (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Mukul Jee, Advocate.

For the Opposite Party : Mr.Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(a), 32, 41, 56(a) and
56(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 270 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioner. The petitioner has falsely been implicated



in the present case. It is alleged that total 270 liters wine is recovered from the Pick-up Van in question. The name of the petitioner has come in the present case on the basis of disclosure made by co-accused Khalasi, Munna Kumar. The petitioner is alleged to be owner of the said Pick-up Van. The Pick-up Van is run as a Public Carrier by the driver of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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, let the petitioner above named, in the event of arrest or 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 the learned Additional District & Sessions Judge-2nd-cum-Special Judge, Excise, Lakhisarai, in connection with Excise Case No. 85C2/2018, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure.

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(Sudhir Singh, J)

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