

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9900 of 2019

Arising Out of PS. Case No.-293 Year-2018 Thana- SULTANGANJ District- Patna

Shiva Kumar @ Shiv Kumar, Son of Pradip Ram @ Pradip Kumar Resident
of Mohalla - Ambedkar Colony Khadpar, P.S. Sultanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar
For the Opposite Party/s : Smt.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2019 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) & 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 14.040 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 informant is the police officer. The petitioner is not known to him nor the informant is known to the petitioner. Hence, the identification made by the informant is itself doubtful. Except for this, there is no other substantive evidence



to suggest the implication of the petitioner in this case. It is alleged that 14.040 liters wine is recovered by the side of the road. 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, Patna, in connection with Special Case No. 9773 of 2018 arising out of Sultanganj P.S. Case No. 293 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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