

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16028 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SARE District- Nalanda

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Bannu @ Amit Son of Subachand Prasad @ Shube Chandan Prasad Singh
Resident of Village - Bhikhani Bigha, P.S.- Sare, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned APP for the
State.

The petitioner is apprehending his arrest in a case registered under Section-30(a)(c)(d)/33/36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 440 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 transpired in this case on the basis of disclosure made by the local residents. The name of the local residents, who have named the petitioner, 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 440 liters



wine is recovered from an orchard. The orchard 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 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 IIIrd A.D.J.-cum-Special Judge, Excise Act, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 05 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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