

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70170 of 2018

Arising Out of PS. Case No.-158 Year-2018 Thana- BYPASS District- Patna

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Alok Kumar @ Alok Singh Son of Gajendra Singh, Resident of Village- Kono Kothi, Fatehpur, P.S.- Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 420 & 34 of the Indian Penal Code and Sections-30(a) & 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1518 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused Upendra Paswan. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that



1518.1 liters wine is recovered from the vehicle and the godown, in question. The petitioner is neither owner of the vehicle nor of the godown, in question. 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. 4956 of 2018 (arising out of By pass P.S. Case No. 158 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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