

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78567 of 2019**

Arising Out of PS. Case No.-470 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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VISHAL KUMAR, aged about 22 years, Sex-Male, Son of Ranjan Singh,
Resident of Village-Bari Aghu, Mohan Aghu, P.s.- Muffasil, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Bipin Kumar, Advocate.

For the Opposite Party : Mr.Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 414, 120(B)/34 of the IPC, 30(a) and
41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 4370.190
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner is in custody since 07.11.2019.
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 4370.190 liters wine is
recovered from the Truck and Pick-up Van standing in the
Orchard of co-accused Ramswaroop Yadav. The name of the



petitioner has come in the present case on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. The Orchard, Truck and Pick-up Van in question do not belong to 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, be released on 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 Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with Muffasil P.S. Case No. 470 of 2019.

(Sudhir Singh, J)

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