

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81287 of 2019

Arising Out of PS. Case No.-451 Year-2019 Thana- KUDHNI District- Muzaffarpur

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UMESH RAY @ UMESH KUMAR, (aged about 30 years, Gender-Male),
S/o Bansh Lal Ray @ Vanshlal Ray, R/o village- Dubiyahi, P.S.- Kudhani,
District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ravi Ranjan, Advocate.

For the Opposite Party : Mrs.Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2019 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), 38(i) and 41(i)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 383.760
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 383.760 liters wine is
recovered from the *Bathan* of the petitioner. The name of the



petitioner has come in the present case on the basis of alleged recovery made from the *Bathan* 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 Special Judge, Excise, Muzaffarpur, in connection with Kudhani (Turki O.P.) P.S. Case No. 451 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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