

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58563 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -DEORIYA District- MUZAFFARPUR

=====

Raj Kumar Rai Son of Ramdhar Rai, R/o Village- Sohansa, P.S.- Deoriya,
District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Panchanand Pandit

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30(A)/35(A)/38 of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 781 litres of wine
is said to have been 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 come on the basis of confession of co-
accused as per the F.I.R. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that 781 litres of wine is recovered from the open field of Shambhu Rai. 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 has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Deoriya P.S. Case No. 31/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Amit/-

U		T	
---	--	---	--

