

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17376 of 2018

Arising Out of PS.Case No. -239 Year- 2017 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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1. Raju Singh, Son of Awadh Bihari Singh, Resident of Village Kolha,
P.S. Bikramganj, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 192 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 the present case as the police saw one of the persons fleeing away from the place of occurrence in torch light. The police claims that the petitioner was identified



fleeing away in the torch light.

The petitioner claims that there is no acquaintance between the petitioner and the police party who identified the petitioner in torch light. Since there was no acquaintance between the petitioner and the police, the question of identification itself is doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 192 liters wine is recovered from a car. The car in question 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 2nd Additional Sessions Judge-cum-Special Court, Excise, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 239 of 2017, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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