

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16034 of 2018

Arising Out of PS.Case No. -135 Year- 2017 Thana -BHANGWANPUR HAT District- SIWAN

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Raja Ray, S/o Late Khyali Ray, R/o Village- Mahna, P.S.- Bhagawanpur
Haat, Distt.- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kumar Binode Bariar, Advocate.

For the Opposite Party : Smt Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-03-2018 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 272, 273, 308 of the IPC,
30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1267.500
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 1267.500 liters wine is recovered from
Pick-up van and Line Hotel. Out of which, 1083 liters wine is



recovered from the vehicle in question which does not belong to the petitioner. The petitioner is alleged to be the driver of the vehicle. The name of the petitioner has come on the basis of disclosure made by co-accused Ajay Roy @ Ajay Kumar. The petitioner is not named in the F.I.R. 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. Other co-accused Ajay Roy @ Ajay Kumar has been granted anticipatory bail by this Court vide Cr. Misc. No. 55797 of 2017 dated 12.12.2017.

On behalf of the State, it is submitted that the petitioner is not 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 Additional District Judge-IInd-cum-Special Judge, Ex. Siwan, in connection with Bhagwanpur Hat P.S. Case No. 135 of 2017, subject to the



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

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(Sudhir Singh, J)

