

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4184 of 2018

Arising Out of PS.Case No. -251 Year- 2017 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

=====

Rohit Kumar, Son of Sri Sewak Prasad Singh, Resident of Basant Vihar
Colony, Ward No.10, Police Station- Zero Mile, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Sanjeet Kumar, Advocate.

For the Opposite Party : Mr. Bisheshwar Ram, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
16.12.2017 in a case for the offence registered under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 32.25
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.
Charge sheet/prosecution report has been submitted in this case.
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 32.25 liters wine is
recovered from three bags kept beneath the seat of the petitioner



travelling in a Train. The name of the petitioner has come on the basis of alleged recovery made from three bags kept beneath the seat of the petitioner. The petitioner denies the ownership of three bags containing liquor kept beneath the seat of the petitioner. The petitioner does not claim the alleged bags containing liquor. 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 bags kept beneath the seat of the petitioner. 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 Special Judge, Excise, Bhagalpur, in connection with Bhagalpur G.R.P. P.S. Case No. 251 of 2017 (G.R. No. 255 of 2017).

U.K./-

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

(Sudhir Singh, J)

