

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44457 of 2018

Arising Out of PS. Case No.-21 Year-2017 Thana- BHAIRABASHTHAN District-
Madhubani

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Sunil Jha @ Sunil Kumar Jha, Son of Harish Chandra Jha @ Harichandra
Jha, Resident of Village- Mehath, P.S.- Bhairab Asthan, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 290, 272, 273 of the Indian Penal Code and Section 30(a), 38(i) (ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1609 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 petitioner is not named in the F.I.R. His named has come in course of investigation. Merely on the basis of suspicion, the petitioner has been made accused. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 1609 liters wine is recovered from PACS Godown. The PACS godown 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 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/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 Additional District & Sessions Judge -II-cum-Special Judge, Excise Act, Madhubani in connection with Bhairab Asthan P.S. Case No. 21/2017 (G.R. No. 453 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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