

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45094 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- BIHRA District- Saharsa

=====

Ankaj Singh @ Ankaj Kumar Singh S/o Sachidanand Singh @ Shreekant Singh, R/o Vill.- Panchgachhiya, Ward No. 11, P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Nand Kumar

=====

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 30(a), 38(1), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1091.950 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the informant claims to have identified the petitioner while he was fleeing away. The alleged occurrence had taken place at 12 in the night. Source of identification has not been disclosed by the prosecution nor the petitioner is acquainted with the informant nor the informant is acquainted with the petitioner. Hence, the 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 1091.950 liters wine is recovered from the 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./complaint.

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 Sessions Judge 2nd-cum-Special Judge, Excise, Saharsa in connection with Special case No.212 of 2018 arising out of Bihra P.S. case No.77 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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

