

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55854 of 2018

Arising Out of PS.Case No. -466 Year- 2014 Thana -GAYA MUFASIL District- GAYA

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Sudhir Kumar Ray @ Sudhir Yadav, S/o Yogendra Yadav @ Yogendra Singh, Resident of Village-Saren, P.O. Neemchak Bathani, District-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-09-2018 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-47(A) of the Excise Act.

The prosecution case, in short, is that 150 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 on the basis of disclosure made by co-accused Birendra Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 150 liters wine is recovered from the car in question. 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. The case is of the year 2014 and the petitioner has for the first time, approached this Court in the year, 2018.

Considering the fact that the petitioner for the first time after 2014, has approached this Court in 2018, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner in connection with Muffasil P.S. Case No. 466 of 2014 is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order and shall be disposed of preferably, on the same day.

(Sudhir Singh, J)

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