

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54790 of 2018

Arising Out of PS. Case No.-61 Year-2017 Thana- BANGAWON District- Saharsa

Kanhaiya Jha @ Kanhaiya Kumar, s/o- Maadhav Jha, r/o- village Banagaon,
South Ward No. 02, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 279, 337, 338 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 135 ml. 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 name of the petitioner has transpired on the basis of disclosure made by the Arun Thakur and Guddu Thakur. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 135 ml. wine is recovered from Sanjay Kumar Jha. 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 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 Sessions Judge-II, Saharsa-cum- Special Judge, Excise in connection with Bangaon P.S. Case No. 61/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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