

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.59101 of 2018**

Arising Out of PS. Case No.-403 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Raju Ali @ Taj Mohammad, Son of Haleem Khan, resident of Village Bhada  
Kala, P.S. Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      27-09-2018                      Heard learned counsel for the petitioner and learned APP  
for the State.

A supplementary affidavit has been filed on behalf of the  
petitioner which is taken on record.

Counsel for the petitioner is permitted to make necessary  
correction in paragraph 3 of the application in course of day.

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

The prosecution case, in short, is that 69.12 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 being owner



of the tempo in question. The said tempo is run as taxi by the driver of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 69.12 liters wine is recovered from the tempo in question. 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-cum- Special Judge, Excise, Siwan in connection with Siwan Mufassil P.S. Case No. 403 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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