

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64914 of 2018

Arising Out of PS.Case No. -477 Year- 2018 Thana -ARARIA District- ARARIA

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Ram Sagar Chaudhary, S/O Late Mangal Chaudhary, R/V- Majkuri, Ward
No. 4, P.S. Araria, District-Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate.

For the Opposite Party : Mr. Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that the informant
Ashok Choudhary on 21.07.2018 at 7.00 A.M. had gone to attend
the call of nature in the Bamboos Clumps. One person, namely,
Raj Kumar riding on a motorcycle reached at Kalwart near field of
Hagi Farukhi and handed over a white colour bag to the petitioner
Ramsagar Choudhary and returned from there. The informant
raised alarm upon which the nearby persons came there and
caught this petitioner with the said bag, but he anyhow escaped



away from there. On opening the bag, total 11 liters wine is recovered which was handed over to the police.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 11 liters wine is recovered from the house of co-accused Md. Azaz. The name of the petitioner has come in the present case on the basis of disclosure made by Ashok Chaudhary (informant) who is neighbour of the petitioner. The petitioner has been made accused in the present case due to previous enmity. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 or 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special Case No. 866 of 2018, arising out of Araria P.S. Case No. 477 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

