

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70813 of 2018

Arising Out of PS. Case No.-389 Year-2018 Thana- GARKHA District- Saran

Ritesh Kumar @ Ritesh Kumar Gupta @ Retesh Sah, S/o Kedar Sah @ Kedar Nath Prasad, Resident of Village-Raipura, P.S. Bheldi, District-Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh
For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 420, 467, 468, 471/34 of the Indian Penal Code and Sections-30, 30(a), 38 & 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2558 liters 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 co-accused namely Manhgu Rai and Rajesh Kumar Sah. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2558 liters wine is recovered from three pick up Vans. None of the vehicles in question belongs 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.

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-VI-cum-Special Judge, Excise Act, Saran at Chapra in connection with Garkha P.S. Case No. 389 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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