

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14636 of 2018

Arising Out of PS.Case No. -206 Year- 2017 Thana -FATUHA District- PATNA

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Bittu Kumar, S/o Mukhiya Rai, Resident of Village- Gulmahiya Bag,
Pakki Daegah, P.S.- Fatuha, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party : Smt. Reena Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-03-2018 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 Sections 30(a) and 37(a)(b) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 300 ML
wine alongwith one broken bottle of 750 ML wine is said to have
been recovered.

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 300 ML wine alongwith one broken



bottle of 750 ML wine is recovered. The petitioner is not named in the F.I.R. His name has come on the basis of disclosure made by co-accused Chandan Kumar and Bittu Kumar, S/O Late Amar Nath Prasad Yadav. 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 not 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 Special Judge, Excise Act, Patna, in connection with Fatuha P.S. Case No. 206 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)