

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13878 of 2018

Arising Out of PS.Case No. -424 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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RAKESH KUMAR @ KALA @ RAKESH YADAV, Son of Bachchu
Yadav Resident of Village-Kare, P.S. and District Sheikhpura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate.

For the Opposite Party : Mr. Arbind Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 13-03-2018 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 272, 273, 353 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 18 liters
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 18 liters wine is recovered from the
motorcycle in question. The motorcycle in question does not



belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused Satya Prakash Sao @ Kundan Kumar. 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 1st Additional District and Sessions Judge, Sheikhpura, in connection with Excise Case No. 762 of 2017, arising out of Sheikhpura P.S. Case No. 424 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)