

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.14500 of 2018**

Arising Out of PS.Case No. -184 Year- 2017 Thana -DURAULI District- SIWAN

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Rajnish Kumar Singh, S/o Satyendra Singh, R/o Village- Darauli, P.S.-  
Darauli, District- Siwan.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Chandrasen Prasad Singh, 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 379/411 of the IPC, 7 of the  
E.C. Act and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3.200  
liters wine and 150 Kg. rice are 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 3.200 liters wine and 150 Kg. rice are  
recovered from straw house of the petitioner. No offence under



Section 7 of the E.C. Act is made out as 150 Kg. of rice is alleged to have been recovered in abandoned state. The name of the petitioner has come on the basis of alleged recovery made from his straw house. 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 2<sup>nd</sup> Additional Sessions Judge, Siwan, in connection with Darauli P.S. Case No. 184 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)**