

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25004 of 2018

Arising Out of PS.Case No. -283 Year- 2017 Thana -BABUBARHI District- MADHUBANI

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Baidhyanath Thakur @ Baidh Nath Thakur, son of Late Kritu Thakur @
Krit Narayan Thakur, resident of village - Kulhariya Dighiya (Didhia) Tol,
P.S. - Babubarhi, District - Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Advocate.

For the State : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-05-2018 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 of the Indian Penal
Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 7.200
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 7.200 liters wine is recovered from the



motorcycle in question belonging to the petitioner. The said Motorcycle was given by the petitioner to a co-villager for his personal use. The alleged incident is alleged to have taken place in December and the time of occurrence is at 5.00 P.M. The source of identification has not been disclosed by the local Chaukidar. Hence, identification itself appears to be doubtful. 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 Additional District & Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Babubarhi P.S. Case No. 283 of 2017 corresponding to G.R. No. 926 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)

