

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62193 of 2017

Arising Out of PS.Case No. -315 Year- 2017 Thana -NAWADA District- NAWADA

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1. Rajendra Prasad S/o Jangbahadur Prasad, R/o Village- Motibigha,
Gonawan, P.S.- Nawada, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 272, 273 of the Indian Penal Code and
30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 536 litres of
liquor is said to have been recovered from the abandoned car in
question.

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
petitioner is alleged to be the owner of the alleged vehicle hence
he has been made accused in the present case. It has further been
submitted on behalf of the petitioner that the car in question has
already been sold to one Gulshan Kumar, two months prior to the



alleged occurrence, as per Annexure-2 to the present application. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 536 litres of liquor is recovered from a abandoned car in question. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Nawada Town P.S. Case No.315/2017, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Nawada, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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