

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62278 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -BALIGAON District- VAISHALI(HAJIPUR)

Rupesh Kumar @ Rupesh Kumar Thakur Son of Bishundeo Thakur
Resident of village- Gannipur, Bhanpur, P.S.- Baligaon, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Babita Kumari, Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-01-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that 75.240 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that 75.240
liters wine is recovered from open field. The name of the
petitioner has come on the basis of disclosure made by the Local
residents as per the F.I.R. The name of the Local residents who



have named the petitioner has not been disclosed by the prosecution. 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. Other co-accused persons have been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. Nos. 61578 of 2017 and 57322 of 2017.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

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 A.D.J.-II-cum- Special Judge, Excise, Vaishali, in connection with Baligaon P.S. Case No. 34 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)