

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32758 of 2018

Arising Out of PS. Case No.-143 Year-2016 Thana- PARSA District- Saran

Umesh Rai S/o Ganga Rai, R/o Vill.- Sahdo Saraya, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjana

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-07-2018 The earlier anticipatory bail of the petitioner was dismissed as withdrawn by order dated 11.04.2018 passed in Cr.Misc.No.20493 of 2018 as the said application contained the order passed by the District & Sessions Judge, Saran, who was not the Special Court for hearing the bail matter under the Excise Act.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Section 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that one liter wine is recovered.

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 name of the petitioner has come on the disclosure of co-accused Nageshwar



Rai. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that one liter wine is recovered from the house of co-accused. 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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned Additional District & Sessions Judge VI, Saran at Chapra in connection with Parsa P.S. case No.143 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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