

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38405 of 2018

Arising Out of PS.Case No. -174 Year- 2002 Thana -GOVERNMENT OFFICIAL COMP. District-
SARAN

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Rameshwar Rai @ Sadhu Rai, Son of Late Pujan Rai, Resident of Villa ge-
Basti, Jalal, P.S.- Dighwara, District- Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate and Mr.
Dhananjaya Nath Tiwari, Advocate.

For the Opposite Party : Smt. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-07-2018 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 47(a) of the Excise Act.

The prosecution story, in brief, is that the Excise
Official during course of raid by the party, the petitioner was
found involved in possession of 399.180 liters of English wine
which was kept in possession of other co-accused, namely, Vijay
Kumar Rai.

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 399.180 liters wine is recovered from the house of co-accused Vijay Kumar Rai. The name of the petitioner has come on the basis of disclosure made by co-accused Vijay Kumar Rai. 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 6th Additional Sessions Judge, Saran at Chapra, in connection with Excise P.S. Case No. 174 of 2002, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)