

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2707 of 2018

Arising Out of PS.Case No. -242 Year- 2017 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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KEDAR PRASAD @ KEDAR SAH Son of late Dashrath Sah Resident of
Village- Siswa Patna P.S. Kesariya, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate.

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-01-2018 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 Sections 272, 273, 290 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 16.8 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 16.8 liters wine is recovered. Only 3.6
liters of wine is said to have been recovered from the son of
petitioner. The name of the petitioner has come on the basis of



disclosure of co-accused as well as villagers. 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 has been granted bail by this Bench vide Cr. Misc. No. 54249 of 2017 dated 11.12.2017.

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 Special Judge, Excise, East Champaran at Motihari, in connection with Kesariya P.S. Case No. 242 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)