

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1944 of 2018

Arising Out of PS.Case No. -303 Year- 2017 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Vikash Rai, S/O Bhagyanarayan Rai, R/V- Ward No. 2, Kewta, Dalsingsarai, P.S. Dalsingsarai, District-Samastipur.
 2. Sujit Rai, S/O Maksudan Rai, R/V- Ward No. 2, Kewta Belbanna, Dalsingsarai, P.S. Dalsingsarai, District-Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Prem Prakash Poddar, Advocate.

For the Opposite Party : Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-01-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 2 Sujit Rai in connection with Dalsingsarai P.S. Case No. 303 of 2017, pending in the court of learned Additional District Judge-II-cum-Special Judge, Excise, Samastipur.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 2 Sujit Rai is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 1 and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 30(a), 38(1), 38(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.



The prosecution story, in brief, is that huge quantity of 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 huge quantity of wine is recovered from different places. The name of the petitioner has come on the basis of disclosure made by the co-accused. 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.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, Vikash Rai 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 Additional District Judge-II-cum-Special Judge, Excise, Samastipur, in



connection with Dalsingsarai P.S. Case No. 303 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)

