

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45993 of 2018

Arising Out of PS. Case No.-63 Year-2018 Thana- ROSHANGAANJ District- Gaya

Deonath Kumar @ Deonath Prasad, Son of Late Kuldip Prasad @ Kuldeep Singh , resident of Village- Banke Bazar, P.S.- Banke Bazar, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan
For the Opposite Party/s : Mr. Sri Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is permitted to make
necessary in cause title of the petition in course of the day.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 11 liters 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 transpired as the
alleged motorcycle in question belongs to the petitioner. The



said motorcycle was given by the petitioner to his co-villager for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 11 liters wine is recovered from the motorcycle in question. 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/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 Special Excise Judge, Gaya in connection with Raushanganj P.S. Case No. 63 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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