

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52684 of 2018

Arising Out of PS.Case No. -228 Year- 2018 Thana -MAKHDUMPUR District- JEHANABAD

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1. PRABHAKAR PRAKASH @ RAHUL @ RAHUL KUMAR Son of Sri
Nagendra Sharma @ Nagendra Kumar Sharma, Resident of Village-
Sukiyama, P.S.- Hulasganj, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section-30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 85.900 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 car in question belongs to the
petitioner. The car in question is run as a taxi by driver of the
petitioner. Except for this, there is no other substantive evidence to



suggest the implication of the petitioner in this case. It is alleged that 85.900 liters wine is recovered from the car 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.

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 2nd Additional Sessions Judge, Jehanabad in connection with Makhdumpur P.S. Case No. 228 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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