

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69859 of 2018

Arising Out of PS. Case No.-122 Year-2018 Thana- MAHESHKHUNT District- Khagaria

Md. Raja, Son of Md. Gyash, Resident of Village- Jhikatia, P.S.-
Maheshkhunt, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Smt Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-11-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, in short, is that 521.280 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the police party has claimed to have identified the petitioner in the torch light. The petitioner is not known to the police party nor the police party is known to the petitioner. The identification of



made by the police party itself is doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 521.280 liters wine is recovered from the joint house of the petitioner. 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 Addl. Sessions Judge II-cum-Spl. Judge (Excise), Khagaria in connection with Maheshkhunt P.S. case No.122 of 2018 (G.R. No.2523 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

U		T	
---	--	---	--

