

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5149 of 2018

Arising Out of PS.Case No. -52 Year- 2017 Thana -MASRAKH District- SARAN

=====

Lalan Rai, Son of Gulab Rai, Resident of Lauva, Police Station- Isuapur,
District- Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Mrityunjay Kumar Tiwary, Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh 1, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
06.11.2017 in a case for the offence registered under Sections
30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016, 290,
272 and 273 of the IPC.

The prosecution story, in brief, is that total 1140
liters 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. Charge sheet/prosecution report has been submitted
in the present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total 1140



liters wine is recovered from abandoned house of one Uma Pandey. The name of the petitioner has come on the basis of disclosure made by co-accused Anil Kumar Singh. 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 liquor kept in the abandoned house. 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, be released on 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 & Sessions Judge-VI, Saran, in connection with Masharak P.S. Case No. 52 of 2017.

U.K./-

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

(Sudhir Singh, J)

