

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62882 of 2017

Arising Out of PS.Case No. -409 Year- 2017 Thana -BAKHTIYARPUR District- PATNA

=====

1. Subodh Kumar @ Subodh Roy S/o Sri Nagina Rai, R/o Naya Tola
Raghopur, P.S.- Bakhatiyarpur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh

For the Opposite Party/s : Mr. Rajesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 147, 148, 149, 341, 323, 307, 353, 332,
224, 225 of the Indian Penal Code and Sections 30(A)/38/45 of
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 5 litres of liquor
is said to have been recovered from the Mango orchard.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. The name of the petitioner has come on the basis of
secret information. The source and genuineness of secret
information has not been disclosed by the prosecution. Except for



this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 5 litres of liquor is recovered. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Spl. Case No.6484/2017, arising out of Bakhtiyarpur P.S. Case No.409/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII-cum-Special Judge, Excise, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Amit/-

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

