

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25222 of 2018

Arising Out of PS.Case No. -112 Year- 2017 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Kamlesh Chaubey, Son of Late Mahant Chaubey, Resident of Village-
Kapasian, Police Station- Kochas, District- Rohtas.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Kumar Choubey, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 18-08-2018

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2581.92
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. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
2581.92 liters wine is recovered from the Truck in question. The
Truck in question does not belong to the petitioner. The name of
the petitioner has come on the basis of disclosure made by co-



accused Chandan Kumar and Sadanand Rai. 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 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 or 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 the learned 2nd Additional District & Sessions Judge-cum-Special Judge, (Excise), Rohtas at Sasaram, in connection with Sasaram (Model) P.S. Case No. 112/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)