

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2952 of 2018

Arising Out of PS.Case No. -553 Year- 2017 Thana -SHERGHATI District- GAYA

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Krishna Kumar S/o Dilip Prasad @ Dilip Sao, R/o Mohalla- Manpur
Kumahar Toli, P.S.- Buniyadganj, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate.

For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-01-2018 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 414/34 of the IPC, 30(a) and
30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 19.05
liters wine and 40 Kg. Mahua Flower are said to have been
recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 19.05 liters wine and 40 Kg. Mahua



Flower are recovered from Tempo and motorcycle in question. The petitioner is said to be the owner of Tempo in question. The Tempo in question is run by driver of the petitioner as a Public Carrier. 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 not named in the F.I.R.

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 Special Judge(Excise Act), Gaya, in connection with Sherghati (Dhobhi) P.S. Case No. 553 of 2017 (G.R. No. 1935 of 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)

