

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73127 of 2018

Arising Out of PS. Case No.-73 Year-2017 Thana- KALYANPUR District- Samastipur

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Kanchan Kumar, S/O Gauri Shankar Sah, R/V- Ghornagar, P.S. Kalyanpur,
District-Samastipur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, 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 06-12-2018 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 272, 273 of the IPC,
30 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1620.36
liters wine is 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 1620.36 liters wine is



recovered from different vehicles including Brick-kiln. Out of which, 90 liters wine is said to have been recovered from a Maruti Wagon Car bearing Registration No. BR-9E-4053. The petitioner is said to be the owner of the said car. The name of the petitioner has come on the basis of said seized car. The car is run as a Taxi by the driver of the petitioner. 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 Additional Sessions Judge-III-cum-Special Judge, Excise, Samastipur, in connection with Kalyanpur P.S. Case No. 73 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Sudhir Singh, J)

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