

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74931 of 2018

Arising Out of PS. Case No.-200 Year-2018 Thana- SAMASTIPUR District- Samastipur

Raja Kumar, S/o Late Devendra Rai, Resident of Village-Magardahi Ward
No. 29, P.S. Samastipur (Town), District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-30(a), 38(i), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.220 liters wine is recovered.

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 transpired in this case as the rented house in question is alleged to be of the petitioner. The said allegation is denied by the petitioner. There is no documentary evidence to show that the petitioner is the tenant in the premises in question. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1.220 liters wine is recovered from the premises in question. 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.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned Additional Sessions Judge-VI-cum-Special Judge, Excise Act, Samastipur in connection with Samastipur (Town) P.S. Case No. 200 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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