

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22335 of 2018

Arising Out of PS.Case No. -676 Year- 2017 Thana -CHAPRA TOWN District- SARAN

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Madan Rai, Son of Late Dindyal Rai, Resident of Chhoti Telpa, Chapra, Saran at present Residing at Village/Mohalla: Karim Chak, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Akhileshwar Pandey, Advocate.

For the Opposite Party : Mr. Sri Ajay Kumar Jha. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 18-04-2018 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 40 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 40 liters wine is recovered. Out of which, 15 liters wine is alleged to have been recovered from motorcycle in question bearing Registration No. BR-04C-3537.



The petitioner is alleged to be owner of the motorcycle. The said motorcycle was given by the petitioner to a co-accused for his personal use. 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 District & Sessions-IV, Saran at Chapra, in connection with Chapra Town P.S. Case No. 676 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)

