

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19883 of 2018

Arising Out of PS.Case No. -1863 Year- 2017 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Sonu Kumar, son of Late Nanhak Prasad resident of Mohalla - Kila, P.S. -
Sasaram (T), District - Rohtas.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate.

For the Opposite Party : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2018 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 Sections 30(a), 34(b) and 38 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 7 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 7 liters wine is recovered from the



motorcycle in question. The motorcycle in question does not belong to the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case as the informant claims that the person who fled away was the petitioner. The petitioner is not acquainted with the informant nor the informant is acquainted with the petitioner. Hence, identification made by the informant is itself doubtful. 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/ 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 Special Judge, Excise, Rohtas at Sasaram, in connection with Sasaram (T) P.S. Case No. 1863/2017, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

