

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18784 of 2018

Arising Out of PS.Case No. -427 Year- 2017 Thana -PATLIPUTRA District- PATNA

=====

NITESH KUMAR @ NITESH BHAIYA @ NITISH KUMAR @ NITISH
BHAIYA, Son of Arun Kumar, Resident of 3/8 Anandpuri, Boring Canal
Road, P.S. S.K. Puri, District - Patna..... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : M/S. Lakshmi Kant Sharma, Rajesh
Kumar, Pakesh Kumar Sharma and Vinay
Kumar, Advocates.

For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-04-2018 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 419, 420, 467, 468, 471,
120(B) of the IPC, 30(a), 38(i) (ii) and 41(i) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1648.65
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 1648.65 liters wine is recovered from the



Truck and Pick up Van in question. None of the vehicles in question belongs to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused Raj Kumar Sharma. 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 Special Judge, Excise, Patna, in connection with Special Case No. 8961 of 2017, arising out of Patliputra P.S. Case No. 427 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

