

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16205 of 2018

Arising Out of PS. Case No.-143 Year-2017 Thana- RAJAPAKAR District- Vaishali

Upendra Rai, S/o Amhak Rai @ Amak Rai, resident of Village- Dayalpur Tola
of Raktu Rai, P.S. Raja Pakar (Baranti O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. ARBIND KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 13 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired as the
alleged recovery is made from the back of the house of the
petitioner. Except for this, there is no other substantive evidence
to suggest the implication of the petitioner in this case. It is



alleged that 13 liters wine is recovered from the back of the house of the petitioner from an open field in an abandoned state. 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/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-II-cum- Special Judge, Vaishali at Hajipur in connection with Raja Pakar (Baranti O.P.) P.S. Case No. 143/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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