

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19358 of 2018

Arising Out of PS.Case No. -409 Year- 2017 Thana -BAKHTIYARPUR District- PATNA

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Santrash Rai @ Santrash Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-147, 148, 149, 341, 323, 307, 353, 325 of the Indian Penal Code and Sections-30(A)/38/45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that five 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 petitioner has been made accused in this case due to mistake of fact. The petitioner is alleged to have been apprehended but on the protest made by local residents, the petitioner managed to escape.

In the FIR, it is alleged that five litres wine is alleged to have been recovered but no seizure list was prepared which makes



the seizure 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. The other co-accused namely, Subodh Kumar @ Subodh Rai has been granted anticipatory bail by this court vide order dated 08-01-2018 passed in Cr. Misc. No. 62882 of 2017.

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 Special Judge, Excise, Patna in connection with Special Case No. 6484 of 2017 arising out of Bakhatiyarpur P.S. Case No. 409 of 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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