

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39731 of 2018

Arising Out of PS.Case No. -111 Year- 2018 Thana -BAUSI District- PURNIA

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Rajiv Kumar, S/o Dharay Sah, R/o Village- Rajdhan, P.S.- Bhawanipur,
District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/S. Nafisuzzoha and Md.Fazle
Karim, Advocates

For the Opposite Party : Mr. Ahmad Ali, APP 5

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2018 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 272, 273 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 368.640
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
368.640 liters wine is recovered from the car in question. The
name of the petitioner has come in the present case on the basis of
seized car in question. The petitioner is said to be the owner of the



car. The said car was being used as Taxi by the driver of the petitioner. 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 Sessions Judge-II –cum-Special Judge, Excise, Purnea, in connection with Special Excise Case No. 452 of 2018, arising out of Baisi P.S. Case No. 111 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

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