

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39555 of 2018

Arising Out of PS. Case No.-151 Year-2017 Thana- KATRA District- Muzaffarpur

Vijay Thakur S/o Gopal Thakur R/o Village - Dhanaur, Ward No. 13, P.S. -
Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Sections 30A, 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.5 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the informant claims to have identified the petitioner in the head light of the vehicle. The petitioner is not acquainted with the informant nor the informant is acquainted with the petitioner. Hence, the identification made by the informant is doubtful.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1.5 liters wine is recovered from the motorcycle in question. The motorcycle in question does not belong to the petitioner. 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 Special Judge, Excise, Muzaffarpur in connection with Katra P.S. Case No. 151 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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