

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47285 of 2018

Arising Out of PS.Case No. -111 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

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Shakti Suman @ Munna Rai, S/O Balram Rai, R/V- Raksa Uttari Tola, P.S.
Karja, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bela Singh, Advocate.

For the Opposite Party : Mr. Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-08-2018 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 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4878
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 4878 liters wine is recovered from the
Truck in question. The Truck in question does not belong to the



petitioner. The name of the petitioner has come in the present case merely on the basis of suspicion. Except for suspicion, there is no substantive evidence to suggest his implication in the present case. The driver, arrested on spot, has not named 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 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 Act, Muzaffarpur, in connection with Muzaffarpur Excise Case No. 111 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)