

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49339 of 2018

Arising Out of PS. Case No.-474 Year-2017 Thana- SITAMARHI District- Sitamarhi

Rakesh Gosai @ Raushan Kumar S/o Kedar Gosai@ Kedar Goswami
Resident of Mohalla- Ward No. 13 Sitamarhi, P.S. Sitamarhi District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 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 1.095 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 recovery is made from the open field situated in front 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 1095 liters wine is recovered from the open field situated in front of the house of the petitioner. The open field 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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 474 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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