

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57603 of 2018

Arising Out of PS.Case No. -129 Year- 2018 Thana -MANIYARI District- MUZAFFARPUR

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1. Kanhai Rai S/o Parmeshwar Rai, R/o Vill.- Madhopur, P.S.- Maniyari,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 27-09-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 30(a)/38/41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1899 liters wine was recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of evidence against the petitioner. The name of the petitioner has transpired in the present case as the informant (police) claims to have identified the



petitioner in the light of the vehicle at 11 in the night. The petitioner is not acquainted with the informant nor the informant acquainted with the petitioner. The identification made by the informant itself 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 1899 liters wine is recovered from the truck. The truck 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 FIR.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Maniyari Police Station Case No. 129 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure



as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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