

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5172 of 2018

Arising Out of PS. Case No.-127 Year-2017 Thana- KAHAIYA District- Muzaffarpur

Baleshwar Rai, Son of Bhikhari Rai, Resident of Village- Aswari Banjariya,
P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari

For the Opposite Party/s : SMT. ANITA KUMARI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the offences under Section 414 of the I.P.C. and Sections 30(A), 53(c), 61 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 189 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.11.2017. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case on the disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in the present case. The petitioner has not been apprehended on the spot. It is alleged that 189 liters wine is recovered from the car. The car 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, it is directed that the petitioner, above named, be released on 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 Act, Muzaffarpur in connection with Kathaiya P.S. case No.127 of 2017.

(Sudhir Singh, J)

Narendra/-

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