

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54316 of 2018

Arising Out of PS. Case No.-288 Year-2018 Thana- PUPRI District- Sitamarhi

Rajiv Rai S/o Vashishth Rai, resident of Village- Nihasa, P.S. Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-10-2018 Supplementary affidavit has been filed on behalf of the petitioner. Same be kept on the record.

Counsel for the petitioner is permitted to make necessary correction in paragraph 3 of the main application in course of the day.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in connection with Pupri P.S. case No.288 of 2018 registered under Section 414 of the I.P.C. and Sections 30(A), 37(b)(c), 38, 41 of the Bihar Prohibition and Excise Act, 2016, pending in the court of Addl. Sessions Judge II-cum-Special Judge, Sitamarhi.

The prosecution case, in short, is that 192.450 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 come on the disclosure of co-accused Vijay Chaudhary and Shivam Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 192.450 liters wine is recovered from the car. The car 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. and has got criminal cases pending against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order, taking into account the submission made on behalf of the petitioner.

(Sudhir Singh, J)

Narendra/-

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