IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1679 of 2018

Arising Out of PS.Case No. -101 Year- 2017 Thana -DAWATH District- SASARAM (ROHTAS)

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Rinku Dhuniya @ Rinku Mansuri S/o Md. Muslim @ Muslim Mansuri , R/o Village- Koath , P.S.- Dhawath, District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Ram Prawesh Kumar, Advocate.
For the Opposite Party : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 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 Section 30(a) and 34 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 93 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 93 liters wine is recovered from the Tempo in question. The Tempo in question does not belong to the

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petitioner. The name of the petitioner has transpired in the present case on the basis of secret information as per the F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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.

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 2nd Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Dawath P.S. Case No. 101 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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