

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15545 of 2018

Arising Out of PS.Case No. -70 Year- 2017 Thana -JAMHORA District- AURANGABAD

Abhay Kumar Bhogta @ Bokatia, S/O Sunil Kumar Bhogta, R/V/M- 26 Chitra, P.S. Chitra, District-Deoghar, at present residing at Police Line Hira, P.S. and District- Dhanbad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shailesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-03-2018 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) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 40 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 total 40 liters wine is recovered from the car in question. The name of the petitioner has come on the basis of seized vehicle. The petitioner is said to be the owner of the said vehicle. It is further submitted that the vehicle in question was sold by the petitioner prior to alleged occurrence to one Vishal Kumar Singh @ Chhotu Singh. The petitioner had nothing to do with the vehicle in question. 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/ Complaint Case.

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 Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad, in connection with Jamhore P.S. Case No. 70/2017, 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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