

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7074 of 2018

Arising Out of PS. Case No.-203 Year-2017 Thana- HUSAINGANJ District- Siwan

Rajesh Kumar @ Jilebi @ Rajesh Singh, Son of Shivnath Singh, Resident of village- Machkana, Police Station- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : SMT RENU KUMARI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 37(B) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that one co-accused Dharmendra Yadav was caught in drunken state and he has named the petitioner.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by co-accused Dharmendra Yadav. 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/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 learned Additional Sessions Judge-2-cum-Special Judge, Excise, Siwan in connection with Hussainganj P.S. Case No. 203 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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