

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16224 of 2018

Arising Out of PS.Case No. -1031 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Rinku Choudhary, son of Lallan Choudhary, resident of Village- Amra
Talab, P.S. Sasaram (Muffasil), District- Rohtas.

.... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Sada Nand Roy, Advocate.

For the Opposite Party : Mr. Ajay Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 23-03-2018 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 Sections 47(a), 53(b) and 54 of the
the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 157.725
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
157.725 liters wine is recovered from the room which was let out
to this petitioner by one Nathuni Prazapati. The name of the
petitioner has come on the basis of secret information as per F.I.R.



The source and genuineness of 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/ Complaint Case. The petitioner has got criminal antecedent also.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Sasaram (Nagar) P.S. Case No. 1031 of 2016, pending in the court of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram.

Anyhow, if the petitioner surrenders in the court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)