

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13553 of 2018**

Arising Out of PS. Case No.-73 Year-2017 Thana- KALYANPUR District- Samastipur

Upendra Rai @ Upandra Rai @ Upendra Rai, Son of Late Ram Chandra Rai,  
Resident of village- Dudhpura, P.S.- Samatipur Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Singh  
For the Opposite Party/s : Mr. AKBAR ALI

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2     13-03-2018             Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30/38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 70 liters wine is recovered.

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 as being the owner of the car. The car in question was run as taxi by the driver of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is



alleged that 70 liters wine is recovered from the car in question. 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 VIth, Samastipur in connection with Kalyanpur P.S. case No.73 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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