

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8338 of 2018

Arising Out of PS. Case No.-282 Year-2017 Thana- DARIYAPUR District- Saran

Ashok Rai @ Ashok Kumar Rai, S/o Ambika Rai, Resident of Village-
Chhatar Chapra, P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. MANISH KUMAR 2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 6200 liters spirit 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 petitioner has falsely been implicated in the present case. His name has transpired merely on the basis of suspicion. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case.



It is alleged that 6200 liters spirit is recovered from the truck in question. The truck in question does not belong to the petitioner. 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 6th Additional Sessions Judge, Saran in connection with Dariyapur P.S. Case No. 282 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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