

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26401 of 2018

Arising Out of PS.Case No. -75 Year- 2018 Thana -PATLIPUTRA District- PATNA

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Santosh Kumar, S/o Jitan Ray @ Rital Ray, R/o Vill.- Indrapuri Road No.D,
P.S.- Patliputra, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate.

For the State : Mr. Anil Kumar Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-05-2018

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 750 ML
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 750 ML is recovered from the room in
question. The name of the petitioner has come in the present case
as it is alleged that the rented room in question belongs to the
petitioner. It is submitted by learned counsel for the petitioner that



no such room has been taken by the petitioner on rent. There is no such documentary evidence to show that the room in question was taken by the petitioner on rent. 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 Special Judge, Patna, in connection with Special Case No. 2013 of 2018, arising out of Patliputra P.S. Case No. 75 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)