

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26049 of 2018

Arising Out of PS. Case No.-440 Year-2017 Thana- SHERGHATI District- Gaya

Niraj Kumar Sinha, aged about 42 years, Son of Late Bharat Prasad Sinha, resident of Road No. - 5, Madhushudan Colony Bye Pass, P.S.- Vishnupad, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 414/34 of the Indian Penal Code and Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 11.7 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 the motorcycle in question allegedly belongs to the petitioner. The



petitioner has given the said motorcycle to his co-villager for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 11.7 liters wine is recovered from the motorcycle 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./complaint case.

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 Special Judge, Excise, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 440/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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