

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28175 of 2018

Arising Out of PS.Case No. -101 Year- 2018 Thana -PIRBAHOR District- PATNA

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Rakesh Yadav @ Rakesh Rai, Son of Dharmdev Ray, Resident of Village -
Chhotaki Bazar, Police Station - Khajekala, District - Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate.

For the State : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 07-05-2018 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 100 liters
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 100 liters wine is recovered from the
Pick-up van in question. The petitioner is alleged to be the owner
of the said Pick-up van in question. The said Pick-up van is run as



Public Carrier by driver of the petitioner. The name of the petitioner has come on the basis of alleged recovery made from the Pick-up van in question. 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 A.D.J.-II-cum-Special Judge, Excise Act, Patna, in connection with Pirbahor P.S. Case No. 101 of 2018/Special Case No. 1717 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)