

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44872 of 2018

Arising Out of PS.Case No. -88 Year- 2018 Thana -DERNI District- SARAN

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Krishna Kumar, S/o Tej Narayan Singh, R/o Vill. + P.O. Balua Dih, P.S.-
Dariyapur, District- Saran (Chapra).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sachida Nand Rai, Advocate.

For the Opposite Party : Mr. C. Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-07-2018 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 Sections 30 and 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3466.8
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 3466.8 liters wine is recovered from
one Truck, four Pick-up Vans and one Motorcycle in question.
Out of which, 613.8 liters wine is said to have been recovered
from one of the Pick-up Vans bearing Registration No. BR-31GA



2447. The said Pick-up Van in question does not belong to the petitioner. The petitioner is alleged to be driver of the said Pick-up Van in question. The petitioner is not named in the F.I.R. His name has come in course of investigation. 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 nature of goods loaded on the said Pick-up Van. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is not 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 6th Additional Sessions Judge-cum-Special Judge, Excise, Chapra, District-Saran in connection with Derni P.S. Case No. 88 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)