

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24643 of 2018

Arising Out of PS.Case No. -25 Year- 2018 Thana -ROHTAS District- SASARAM (ROHTAS)
=====

Mithilesh Choudhary @ Mithlesh Choudhary, son of Markat Choudhary,
resident of Village- Tilauthu, P.S.- Tilauthu, District- Rohtas.
..... Petitioner

Versus

The State of Bihar.

..... Opposite Party
=====

Appearance :
For the Petitioner : Mr. Rajani Kant Singh, Advocate.
For the Opposite Party : Smt. Veena Kumari Jaiswal, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-05-2018 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 Sections 30(a) and 34 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 10 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 10 liters wine is recovered from the
motorcycle in question. The motorcycle in question does not
belong to the petitioner. The name of the petitioner has come in
the present case as the informant who is a police officer claimed to



have identified the petitioner. The petitioner is not acquainted with the informant nor the informant is acquainted with the petitioner. Hence, identification made by the informant itself is doubtful. 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 IInd Additional District & Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Rohtas (Amjhore) P.S. Case No. 25 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)

