

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.504 of 2018

Arising Out of PS.Case No. -166 Year- 2017 Thana -MASRAKH District- SARAN

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1. Hemant Rai S/o Paras Rai, R/o Village- Chand Kudariya, P.S.- Masrakh,
District- Saran.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30, 30(a), 38 and 41 of Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that 1300 litres of
spirit is said to have been recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. The name of the petitioner has come on the basis of
disclosure made by the co-accused before the police, as per F.I.R.
Except for this, there is no other substantive evidence to suggest
the implication of the petitioner in this case. It is alleged that 1300



litres of spirit is recovered from co-accused Arjun Rai and Bishundeo Rai. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Masrakh P.S. Case No.166/2017, on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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