

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50965 of 2018

Arising Out of PS.Case No. -193 Year- 2017 Thana -SAHIYARA District- SITAMARHI

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Kanhaiya Singh, Son of Baliram Singh, Resident of Village- Mahadev
Ward No. 5, Police Station- Sahiyara, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-08-2018 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 272, 273 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 61.500
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
61.500 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 police
party claims to have identified the petitioner in light of the car.



The petitioner is not known to the police party nor the police party is known to the petitioner. Hence, identification made by the police party 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Sahiyara P.S. Case No. 193/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)