

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9773 of 2018

Arising Out of PS.Case No. -604 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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Rajnish Kumar @ Chhote, S/o Munna Prasad, R/o Village- Mehsaul Chowk, P.S. & District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 23-02-2018 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 51.375 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 51.375 liters wine is recovered from the Community Hall in question. The name of the petitioner has come on the basis of disclosure made by co-accused Randhir



Kapar. 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. Other co-accused persons have been granted bail by this Court vide Cr. Misc. No. 59851 of 2017 dated 13.12.2017 and Cr. Misc. No. 2640 of 2018 dated 06.02.2018.

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, Sitamarhi, in connection with Sitamarhi P.S. Case No. 604 of 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)

