

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19104 of 2018

Arising Out of PS.Case No. -434 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District- MUZAFFARPUR

Rajesh Singh @ Rajesh Kumar, son of Upendra Singh, resident of village - Mahamadpur Balami, P.S. - Motipur, District - Muzaffarpur.

..... Petitioner
Versus
The State of Bihar.

..... Opposite Party

Appearance :
For the Petitioner : Mr. Ganesh Prasad Singh, Advocate.
For the Opposite Party : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-04-2018 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), 32(2) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3190.68 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 3190.68 liters wine is recovered from seven different vehicles in question. None of the vehicles belongs to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused Md. Chand, Vikash Kumar and Bagendra Kumar. 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. Nos. 13900/2018 dated 13.03.2018, 13789/2018 dated 13.03.2018 and 16518/2018 dated 22.03.2018.

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 Special Judge, Excise Act, Muzaffarpur, in connection with Excise Case No. 434 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)

