

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43024 of 2018

Arising Out of PS. Case No.-124 Year-2018 Thana- BOCHHA District- Muzaffarpur

1. Ravi Kumar,
2. Manoj Kumar Both Sons of Bihari Das, Both R/o Vill.- Kanhara Raghu, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-07-2018 Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.2.

Permission is accorded.

The application on behalf of the petitioner No.2 is dismissed as withdrawn.

Heard learned counsel for the petitioner No.1 and learned APP for the State.

The petitioner No.1 is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 32(ii), 38(ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1572 liters wine is recovered.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the driving licence of the petitioner is alleged to have been recovered from the pick up van. The pick up van in question does not belong to the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1572 liters wine is recovered from three different vehicles. None of the vehicles in question belongs to the petitioner. 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.

Considering the aforesaid facts and circumstances, let the petitioner No.1, above named, in the event of arrest/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 learned



Special Judge, Excise Act, Muzaffarpur in connection with
Bochahan P.S. case No.124 of 2018, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

Narendra/-

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