

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61276 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -HATHIDAH District- PATNA

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Karu Singh @ Amit Kumar, Son of Shri Ramnugrah Singh @ Kumkum Singh, Resident of Hathidah Ward No. 9, P.O.+P.S.-Hathidah, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Prakash, Advocate.

For the Opposite Party : Smt Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-10-2018 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 504, 506 of the IPC, 30(a), 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

It is alleged by the informant that on 07.06.2018 all accused, Manoj Singh, Niraj Kumar @ Chabha, Karu Singh (petitioner) and Roshan Kumar were consuming liquor and were hurling abuses. On protest, they misbehaved and abused the informant and consequently the police was informed. The police reached at the spot. The accused persons taking the benefit of darkness fled away from the place of occurrence and later police



recovered one empty bottle of 750 ML wine and one filled bottle of 750 ML wine.

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. The informant is a private party. It is alleged that the petitioner in drunken state was using abusive language and when the police reached at the place of occurrence they fled away. The police recovered 750 ML wine by the side of road situated in front of house of Shambhu Shankar Prasad and Rama Shankar Prasad. No liquor is recovered from conscious possession of the petitioner. Due to village politics, the petitioner has been made accused in the present case. There is no other substantive evidence to suggest the implication of the petitioner in the present case. 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 Special Judge, Excise, Patna, in connection with Hathidah P.S. Case No. 40 of 2018(Special Case No. 5328 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

