

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52686 of 2018

Arising Out of PS.Case No. -438 Year- 2018 Thana -BODHGAYA District- GAYA

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1. Sikandar Kumar son of Sri Shiv Shankar Ram, Resident of Village-
Chowar, Police Station- Tankuppa and District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the State : Mr. N.N. Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section-30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 160 Kg. Mahua flower liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the petitioner is said to be owner of the tempo in question. The said tempo is run by driver of the petitioner as a public carrier. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 160 Kg. Mahua flower is recovered from the tempo in question. 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, 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, Gaya in connection with Bodh Gaya P.S. Case No. 438 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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