

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26427 of 2018

Arising Out of PS.Case No. -225 Year- 2017 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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Bhushan Rai @ Bhushan Kumar Ray, S/o Sant Lal Rai, R/o Vill.- Chakwa,
P.S.- Desari (Sahdai O.P.), District- Vaishali at Hajipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lovekush Kumar, Advocate.

For the State : Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-05-2018 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 273 of the IPC and 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 162.75
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 162.75 liters wine is recovered from
the vehicle in question. The vehicle in question does not belong to
the petitioner. The name of the petitioner has come on the basis of
disclosure made by co-accused Ram Binay Rai @ Ram Binay



Kumar Rai and Prem Nath Rai. 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 has been granted anticipatory bail by this Court vide Cr. Misc. No. 3265 of 2018 dated 09.02.2018.

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 Additional Sessions Judge-II-cum-Special Judge, (Excise), Vaishali (Hajipur), in connection with Mahnar P.S. Case No. 225 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)

