

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6172 of 2019

Arising Out of PS. Case No.-339 Year-2018 Thana- BARHARIA District- Siwan

Rajesh Prasad @ Rajesh Kumar, aged about 40 years, G-Male, Son of Late Kanhaiya Prasad, Resident of village-Bhampali, P.S. Barharia, District-Siwan.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Prakash Chandra Jha, Advocate.
For the Opposite Party : Mr.Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-02-2019 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 272, 273, 308/34 of the IPC, 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 194.4 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 194.4 liters wine is recovered from the shop in question. The name of the petitioner



has come in the present case as the petitioner is landlord of the said shop. The said shop was given by the petitioner on rent to one Sharjan 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.

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, Siwan, in connection with Barhariya P.S. Case No. 339 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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