

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7779 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- DIGHA District- Patna

Raushan Kumar, son of Chandeshwar Rai, Resident of Village - Sultanpur,
P.S.- Industrial Area, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a) 38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 24 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 on the basis of disclosure made by the co-accused, namely, Gaurav Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 24



liters wine is recovered by the side of the road. 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/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, Patna in connection with Special Case No. 3257 of 2018 arising out of Digha P.S. Case No. 184 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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