

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12796 of 2019

Arising Out of PS. Case No.-756 Year-2018 Thana- BARACHATTI District- Gaya

Sunil Kumar Singh, (aged about 35 Years, Gender-Male), Son of Balram Singh, Resident of Village - Hardawan, P.S.- Dobhi, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Arvind Kumar Singh, Advocate.
For the Opposite Party : Mr.Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-03-2019 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 Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1350 Kg. Mahua Flower 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 1350 Kg. Mahua



Flower is recovered from the Pick-up Van in question. The name of the petitioner has come in the present case as the petitioner is ex-owner of the vehicle in question. It is further alleged that on the alleged date of occurrence, the petitioner was not the owner of the vehicle in question. The petitioner has already sold the said vehicle on 29.11.2018 to one Binod Kumar Prasad @ Binod Kumar @ Binod Prasad. The petitioner is not named in the F.I.R. 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 not 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 Act, Gaya, in connection with Barachatti P.S. Case No. 756 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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