

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70958 of 2018

Arising Out of PS. Case No.-303 Year-2018 Thana- TEGHRHA District- Begusarai

Rupesh Kumar Son of Devendra Rai, Resident of Village- Gaura, Ward No.2,
P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 01-02-2019 Supplementary affidavit is filed on behalf of the petitioner.

Let it be kept on record.

Learned counsel for the petitioner is permitted to make necessary correction in paragraph-3 of the main petition in course of the day.

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 153.875 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by the local residents. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 153.875 liters wine is recovered from a car and the godown in question. Neither the car nor the godown belongs to the petitioner. 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 Shri Anil Kumar Sinha, learned Additional Sessions Judge-II-cum-Special Judge, Excise , Begusarai, in connection with Teghra P.S. Case No. 303 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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