

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67823 of 2018

Arising Out of PS. Case No.-215 Year-2018 Thana- BARHARIA District- Siwan

Jai Prakash Gupta @ Doma @ Doma Sah @ Jay Prakash Sah, S/o Late Raja
Lal Gupta, R/o Village- Hardobara, P.S.- Barharia, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md. Aslam Ansari, Advocate.
For the Opposite Party : Mr. Ahtash Ali Khan,A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-01-2019 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 of the IPC,
30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 14.76 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
14.76 liters wine is recovered from the bush situated at the back
of shop of the petitioner. The name of the petitioner has come in
the present case as the recovery is said to have been made from



the bush situated at the back of shop of the petitioner. 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 Additional District & Sessions Judge-II, Siwan, in connection with Barharia P.S. Case No. 215 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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