

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4184 of 2020

Arising Out of PS. Case No.-375 Year-2017 Thana- TEKARI District- Gaya

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KUSH RAUT Son of Bishwanath Rauth Resident of Village-Malsari, P.S-
Tekari, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha

For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the Office, within a period

of four weeks.

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) (c) (d) of the Bihar Prohibition

and Excise Act, 2016.

The prosecution case, in short, is that 10 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 come on the basis of

secret information as per F.I.R. The source and genuineness of



the secret information 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 10 liters wine is recovered from near the river. 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 Excise Judge, Gaya in connection with Tekari P.S. Case No. 375/17, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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