

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48388 of 2016

Arising Out of PS.Case No. -260 Year- 2016 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Bhanu Prakash @ Bhanu Pratap Singh Son of Madan Mohan Singh@Bachcha Babu Resident of village- PatedhaJairam,P/S Vaishali (Belsar O.P), District Vaishali. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Vaishali (Belsar O.P.) P.S. Case No. 260 of 2016 registered for the offences punishable under Sections 30 (A), 32 (2) and 41 (1) of Bihar Prohibition of Liquor & Excise Act.

Allegedly, from a maruti van, which met with an accident, one person fled away and two persons were apprehended by the Police and after search 390 pieces of Royal Stag Whisky and 6 pieces of Bestow Whisky were recovered and both persons who were apprehended namely Lal Babu Rai and Guddu Kumar stated the name of the petitioner that they are the carriers of the petitioner and in the house also the petitioner has kept illicit wine. The house of the petitioner was also raided but nothing was



recovered.

Submission is of false implication due to reason that the uncle of the petitioner lodged Complaint Case No. 3242 of 2013 against Mahendra Paswan S. I. and Chaukidar Subodh Singh and the petitioner is a witness in that case. Later on the uncle of the petitioner was killed by the father-in-law of Subodh Singh and the petitioner has been witness in that case also and now both Mahendra Paswan and Subodh Singh were asking the petitioner to compromise and on refusal both of them got the petitioner implicated in this case just by managing the informant. Nothing was recovered from possession of the petitioner and confessional statement of co-accused made before the Police has got no evidentiary value in the eye of law.

Learned APP submits that apprehended accused persons have stated the name of the petitioner but it is true that nothing was recovered from the house of the petitioner.

In the facts and circumstances stated above, the petitioner above named, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at



Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No.
260 of 2016, subject to the conditions as laid down under Section
438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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