

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61348 of 2017

Arising Out of PS. Case No.-195 Year-2017 Thana- BARHARIA District- Siwan

Akhilesh Gupta son of Laxman Sah, resident of village Hardobada, Police Station Badhariya, District Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. SUNIL KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 35(A), 35(B), 36, 41 of the Bihar Prohibition and Excise Act, 2016.

Allegation is that 495 liters wine is recovered from the Bathan of the co-accused.

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 confessional statement of co-accused Santosh Kumar and Niraj Kumar made before police as per F.I.R. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 495 liters wine is recovered from the Bathan of the co-accused. 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 learned 2nd Additional Sessions Judge-cum-Special Judge, Siwan in connection with Badahriya P.S. case No.195 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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