

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55616 of 2017

Arising Out of PS.Case No. -118 Year- 2017 Thana -BARUN District- AURANGABAD

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Chandan Kumar Mehta S/o Nagwant Mehta, R/o Village- kajrat, P.S.-
Hussainabad, District- Palamu (Jharkhand).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-12-2017 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 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 500 liters wine
is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that 500 liters wine is recovered from the vehicle
in question. The petitioner is said to be the owner of vehicle in
question. Prior to institution of the present case, the petitioner had



already lodged F.I.R. in respect of theft of the vehicle in question from which wine is said to have been recovered. The name of the petitioner has come on the basis of document of the vehicle which was kept in the vehicle as per the F.I.R. 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.

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 Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, in connection with Barun P.S. Case No. 118 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)