

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61494 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -BARIYARPUR District- MUNGER

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Gulshan Kumar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in a case
instituted under Section 30(a)/32 of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that 120 litres of wine
is said to have been 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 confessional statement
of co-accused Gopal Kumar before police as per the F.I.R. Except
for this, there is no other substantive evidence to suggest the
implication of the petitioner in the present case. It is alleged that



120 litres of wine is recovered from Kalyanpur Ghat tola by the side of a Gullar tree. 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 has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Bariyarpur P.S. Case No.105/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Munger-cum-Special Judge (Excise Act), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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