

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3809 of 2018

Arising Out of PS.Case No. -48 Year- 2017 Thana -ASAWAN District- SIWAN

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Pua Pandey @ Pushpendra Pandey, S/o Onkar Pandey @ Bashistha Pandey,
R/o Village- Pachseria, P.S.- Assawn, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party : Mr. Ram Sumiran Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
13.11.2017 in a case for the offence registered under Sections 272,
273, 308 of the IPC, 30(A) and 38(B) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 1641.780
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.
Charge sheet/prosecution report has been submitted in this case.
There is no allegation of tampering with the witnesses alleged
against the petitioner. The petitioner has falsely been implicated in



the present case. The petitioner has not been arrested on spot. It is alleged that total 1641.780 liters wine is recovered from the house of one Sidheshwar Pathak. The name of the petitioner has come on the basis of disclosure made by local residents as per the F.I.R. The name of the local residents who have named the petitioner 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. 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, be released on 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 District and Sessions Judge-2nd-cum-Special Judge (Excise), Siwan, in connection with Asaon P.S. Case No. 48 of 2017.

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(Sudhir Singh, J)