

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.46552 of 2018**

Arising Out of PS.Case No. -116 Year- 2018 Thana -DELHA District- GAYA

=====  
Bindu Paswan, S/O Janki Pswan, resident of Dhaniyabagicha, P.S. Delha,  
District-Gaya.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====  
**Appearance :**

For the Petitioner : Mr. Vinod Kumar, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      31-07-2018                      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 272, 273 of the IPC and  
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4.875  
liters wine is said to have been recovered.

It has been submitted by learned counsel for the  
petitioner that the petitioner has falsely been implicated in the  
present case. There is no allegation of tampering with the  
witnesses alleged against the petitioner. It is alleged that total  
4.875 liters wine is recovered from abandoned hut in question.  
The name of the petitioner has come on the basis of disclosure



made by the 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, 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 Special Excise Judge, Gaya, in connection with Delha P.S. Case No. 116/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

