

Criminal Miscellaneous No.47151 of 2018

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Opposite Party/s : Mr. Sri Khurshid Anwar

2 02-08-2018 Learned counsel for the petitioner is permitted to make
necessary correction in paragraph-1 as well as prayer portion of
the main petition in course of the day.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section-47(a) of the Excise Act.

The prosecution case, in short, is that 35 liters wine is 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 secret information as per F.I.R. The source and genuineness of the secret information 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. It is alleged that 35 liters wine is recovered from Sharab Chulai Adda. 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 Sri Manish Kumar, learned Judicial Magistrate-Ist Class, Jamui in connection with Case No. 436C2 of 2001, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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