

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52853 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- DURAULI District- Siwan

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Sriniwash Jaiswal S/o Changur Jaiswal @ Chhangur Jaiswal resident of
Village- Ekderawa, P.O.- Parsauni Khurd, P.S.- Kasia, District- Kushinagar
(U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273/34 of the I.P.C. and Sections 30(a), 38(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1442.880 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the pick up van in question belongs to the petitioner. Same is run as public carrier by the driver of the petitioner. The petitioner had no knowledge regarding the nature of goods booked by the transporter. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1442.880 liters wine is recovered from the pick up van in question. 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 learned Addl. District and Sessions Judge 2nd-cum-Special Judge, Excise, Siwan in connection with Darauli P.S. case No.87 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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