

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58154 of 2018

Arising Out of PS. Case No.-198 Year-2018 Thana- HISUWA District- Nawada

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1. CHANDRIKA CHAUHAN, Son of Late Lakhan Chauhan
 2. Binod Chauhan Son of Rajendra Chauhan Both resident of Hadsa Tola Jitan Bigha P.S. Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma
For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken to judicial custody.

Permission is accorded.

The application is dismissed as withdrawn with respect to petitioner no. 2.

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

The petitioner no. 1 is apprehending his arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40 liters wine is recovered.



It has been submitted on behalf of the petitioner that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The name of the petitioner no. 1 has transpired as the alleged recovery is made from the open field in question belongs to his joint family. Except for this, there is no other substantive evidence to suggest the implication of the petitioner no. 1 in this case. It is alleged that 40 liters wine is recovered from two different fields in question out of which one of the fields in question belongs to joint family of the petitioner no.1. Nothing incriminating has been recovered from the conscious possession of the petitioner no. 1. The petitioner no. 1 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 no. 1 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, 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



A.D.J.-II-cum- Special Judge, Nawada in connection with Hisua
P.S. Case No. 198/2018, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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