

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59049 of 2018

Arising Out of PS. Case No.-456 Year-2018 Thana- BARACHATTI District- Gaya

Sudesh Kumar Jaiswal S/o Bashudeo Prasad Jaiswal, R/o Eiashri Bazar, P.S.-
Nimiya Ghat, District- Giridih (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-09-2018 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, 120B of the Indian Penal Code and Sections 30(a), 41, 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1400 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 transpired as being owner of the pick up van in question. The said pick up van 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 1400 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./complaint case.

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 Special Judge, Excise -IV, Gaya in connection with Barachatti P.S. Case No. 456 of 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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