

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61884 of 2018

Arising Out of PS.Case No. -163 Year- 2018 Thana -BAIKUNTHPUR District- GOPALGANJ

=====

Sudama Sharma, S/o Late Shiv Balak Sharma, Resident of Village-
Chiutaha, P.O.+P.S. Baikunthpur, District-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Sunil Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-10-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section-420/34 of the Indian Penal Code and Sections-30(a), 41(I)(II) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1347 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 in this case as he is alleged to be owner of the vehicle, in question. The same is run as public carrier by driver of the petitioner. The petitioner had no knowledge



regarding the alleged incident. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that total 1347 liters wine is recovered. Out of said 1347 litres, 336.60 litres wine is recovered from the Bolero of the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 2nd Additional Sessions Judge-cum-Special Judge, (Excise), Gopalganj in connection with Baikunthpur P.S. Case No. 163 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

