

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62368 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -RISYAP District- AURANGABAD

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Vivek Kumar Singh @ Vivek Kr. Singh, S/o Awadhesh Singh, R/o Village-
Labhari, P.S. Kutumba, District-Aurangabad. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Tapeswar Sharma

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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 Sections-30(a), 38 of the Bihar Excise Amendment Act.

The prosecution case, in short, is that 156 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 on the basis of disclosure made by the co-accused namely, Kamlesh Kumar Singh. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 156 liters wine is recovered from a car in question. The car in question is registered in the name of Kamlesh Kumar Singh. Kamlesh Kumar Singh has



already filed an application before the court below for release of the car in question. The only evidence is that said Kamlesh Kumar Singh stated before the police that the car in question has been sold by him. The petitioner has got no concern with the car 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 7th Additional Sessions Judge-cum-Special Judge, Excise, Aurangabad in connection with Risiup P.S. Case No. 62 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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