

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64246 of 2018

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1. Ram Pravesh Paswan, S/O Naulakh Paswan, R/V- Mandedih, P.S. Patepur, District-Vaishali.
 2. Chunchun Singh @ Pramod Kumar @ Pramod Singh, S/O Krishna Murari Singh, R/V- Supaul, P.S. Jandaha, District-Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anuj Kumar, Advocate.

For the Opposite Party : Mr. Raj Kishore Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-10-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 1 Ram Pravesh Paswan as he has already been taken into judicial custody in connection with Patepur P.S. Case No. 136 of 2018, pending in the court of learned Additional Sessions Judge-IIInd-cum-Special Judge, Vaishali at Hajipur.

Permission is accorded.

The present anticipatory bail application on behalf of petitioner no. 1 Ram Pravesh Paswan is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned counsel for the State.

The petitioner no. 2 is apprehending his arrest in a case for the offence registered under Sections 414 of the IPC,



30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 476.52 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner no. 2 that petitioner no. 2 has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner no. 2. It is alleged that total 476.52 liters wine is recovered from the car in question. The car in question does not belong to petitioner no. 2. The name of the petitioner no. 2 has come in the present case on the basis of secret information as per F.I.R. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner no. 2 in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner no. 2. The petitioner no. 2 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. 2 is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let



the petitioner no. 2 above named (except petitioner no. 1 Ram Pravesh Paswan) in the event of arrest or 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 the learned Additional Sessions Judge-IInd-cum-Special Judge, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 136 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

