

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18094 of 2018

Arising Out of PS.Case No. -182 Year- 2017 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

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1. Shiv Nath Chaudhary son of Ganeshi Choudhary
2. Shiv Kumar Choudhary son of late Ishwar Choudhary Both are resident
of Village Siwaishingpur, Police Station Mohiuddin Nagar, District -
Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-03-2018 At the very outset, learned counsel for the petitioners seeks
permission to withdrawn the application with respect to petitioner No. 1
namely, Shivnath Choudhary.

Accordingly, this application in respect of petitioner No. 1 is
dismissed as withdrawn.

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

The petitioner No. 2 is apprehending his arrest in a case
registered under Sections-30(a), 38(i), 45 of the Bihar Prohibition and
Excise Act, 2016.

It has been submitted on behalf of the petitioner No. 2 that he
has got no criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner No. 2. The name of the



petitioner came in this case in course of investigation. It is alleged that the petitioner No. 2 protested against the police on the arrest of a co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. No liquor/intoxicant is alleged to have been recovered from possession of the petitioner No. 2. The petitioner has been made accused due to mistake of fact. 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.

Considering the aforesaid facts and circumstances, let the petitioner No. 2, 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 6th Additional Sessions Judge, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 182 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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