

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7952 of 2018

Arising Out of PS. Case No.-376 Year-2017 Thana- NABINAGAR District- Aurangabad

Shyam Sunder Prasad Jaiswal S/o Late Jagdish Prasad, R/o Village-
Shanichara Bazar, Nabinagar, P.S.- Nabinagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. RAM ANURAG SINGH

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2018 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 Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 6.560 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 the alleged recovery is made from the hardware shop of the petitioner. One of the customers of the petitioner had kept the said bag in the shop of the petitioner. Petitioner had no



knowledge that the bags were containing liquor. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 6.560 liters wine is recovered from the shop 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 Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Nabinagar P.S. Case No. 376 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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