

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16131 of 2018

Arising Out of PS.Case No. -424 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District -
MUZAFFARPUR

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Surendra Chaudhary

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-03-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending his arrest in a case registered under Sections-37(b), 30(a) and 37(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 50 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 petitioner has transpired on the basis of disclosure made by the co-accused namely, Nayan Kumar, Kanhaiya Lal Patwa and Manoj Sahani. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It



is alleged that 50 liters wine is recovered from an abandoned hut by the side of flour mill. The abandoned hut does not belong to the petitioner. 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./Complaint.

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, Muzaffarpur in connection with Excise Case No. 424 of 2017 arising out of P.R. No. 52/17-18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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