

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8258 of 2018

Arising Out of PS.Case No. -132 Year- 2017 Thana -SHIWAPATHI District- MUZAFFARPUR

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Shyam Kr. Kushwaha @ Shyam Kumar Kushwaha @ Shyam Kumar, S/o
Late Shivji Prasad @ Shivji Bhagat, Resident of Village- Barjee, P.S.
Motipur, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jai Prakash Verma, Advocate.

For the Opposite Party : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 272, 273/34 of the IPC and
30(a), 38, 41 and 48 of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 17.625
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 17.625 liters wine is recovered from the car in question which was in possession of driver of the petitioner. The name of the petitioner has come as the alleged recovery is said to have been made from the car belonging to the petitioner. The said car in question was being run by the driver of the petitioner as a public carrier. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 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 3rd Additional Sessions Judge-cum-Special Judge, Excise, Muzaffarpur, in connection with Siwaipatti P.S. Case No. 132 of 2017, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

