

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21537 of 2018

Arising Out of PS.Case No. -427 Year- 2017 Thana -DUMRA District- SITAMARHI

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Dinesh Paswan, Son of Rajendra Paswan, Resident of Village -
Vishwnathpur, Police Station - Dumra, District - Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Madhubala Verma, Advocate.

For the Opposite Party : Smt Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-04-2018 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, 290 of the IPC,
30(a), 37(b)(c) and 52 of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that on information
of S.D.O. Sadar, Sitamarhi, on 24.12.2017 at 17.30 hours, the
informant alongwith armed forces saw some persons were taking
toddy in a hut and caught three persons who disclosed their name
as Sanjiv Rai, Binod Paswan and Hiralal Das. Smell of wine was
coming from their mouths. On enquiry, the informant learnt that
this petitioner has used to sell toddy on the land of one



Rameshwar Prasad Yadav @ Bhola Babu. Other accused persons named in the FIR also used to sell toddy on the land of other persons of the village as named in the FIR. It is also alleged that owners of the land have constructed a hut on their lands and given it to the accused persons to sell toddy on it. The informant prepared a videography there and destroyed the recovered toddy. The informant also arrested some shop keepers of toddy. Smell of toddy was coming out from their mouths.

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. Toddy is alleged to have been recovered from different places. No seizure was made as it was destroyed by the prosecution. The name of the petitioner has come on the basis of disclosure made by local residents as per the F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. 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/ Complaint Case.

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 A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi, in connection with Dumra P.S. Case No. 427 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)

