

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1880 of 2018

Arising Out of PS.Case No. -241 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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Sandeep Kumar Chaudhary @ Sandeep Kr. Chaudhary Son of Vijay Chaudhari Resident of Village + P.S. Hussainganj, District - Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party : Smt. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 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, 308 of the IPC and 30, 36, 38 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 2.700 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 2.700 liters wine is recovered from the motorcycle in question. The



motorcycle in question does not belong to the petitioner. The name of the petitioner has transpired in the present case on the basis of secret information as per the F.I.R. The source and genuineness of the secret information 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.

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 2nd Additional Sessions Judge-cum-Special Judge, Siwan, in connection with Hussainganj P.S. Case No. 241 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)