

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17250 of 2018

Arising Out of PS.Case No. -556 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Kailash Choudhary, Son of Jaglal Choudhary, Resident of Mohalla-Gandhi Chowk, Lalganj Road, Side of Railway Bridge, P.S. Hajipur town, District-Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Jain, Advocate.

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-03-2018 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 188, 420 and 272/34 of the IPC and 30, 38, 47 and 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 13.230 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 13.230 liters wine is recovered from



joint house of the petitioner as per seizure list. The name of the petitioner has come on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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 Additional Sessions Judge-2nd-cum-Special Judge, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 556 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)