

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.26433 of 2018**

Arising Out of PS.Case No. -486 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

=====

Akash Kumar, S/o Guru Charan Sah, R/o Vill.- Mahadeva , P.S.-  
Mahadeva, O.P.- District- Siwan.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Ashok Kumar, Advocate.

For the State : Mr. Rajeev Nayan, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      01-05-2018      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, 308/34 of the  
Indian Penal Code, 30(a) and 41(1) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution story, in brief, is that total 15.480  
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 15.480 liters wine is recovered from  
the *Banswari* in question. The *Banswari* in question does not  
belong to the petitioner. The name of the petitioner has come on



the basis of disclosure made by co-accused Bittu Paswan. 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. Other co-accused has been granted anticipatory bail by this Court in Cr. Misc. No. 7687 of 2018 dated 09.02.2018.

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 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Siwan Muffasil (Mahadeva O.P.) Police Station Case No. 486 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

**(Sudhir Singh, J)**