

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28763 of 2018

Arising Out of PS. Case No.-84 Year-2018 Thana- BARBIGHA District- Sheikhpura

Binay Kumar @ Chhotu Chaudhri, son of Late Lakhan Chaudhri, resident of
Village- Narayanpur, P.S.- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr. Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-05-2018 Counsel for the petitioner is permitted to make
necessary correction in paragraph 3 of the application in course
of the day.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273, 188 of the I.P.C. and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
there is no allegation of tampering of witnesses alleged against
the petitioner. The name of the petitioner has transpired as the
alleged recovery is made from the front of the house of the



petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2 liters wine is recovered from the front of the house of the petitioner. 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/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 learned 1st A.D.J., Sheikhpura in connection with Barbigha P.S. case No.84 of 2018, Excise case No.87 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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