

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59837 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -MADHUBANI TOWN District-
MADHUBANI

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Bharat Chaudhary, son of Madhu Chaudhary, Resident of village Sherpur,
P.S. Pandaul, District Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Soban Asghar, Advocate.

For the Opposite Party : Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 18-01-2018 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 of the IPC and
30(1), 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 718.5
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 718.5 liters wine is recovered from
different vehicles in question. The vehicles in question do not
belong to the petitioner. The name of the petitioner has come on



the basis of disclosure made by the co-accused. 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 another co-ordinate Bench of this Court vide Cr. Misc. No. 43679 of 2017 dated 21.09.2017.

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, Madhubani, in connection with Madhubani Town P.S. Case No. 155 of 2017 (G.R. No. 135 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)