

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39752 of 2018

Arising Out of PS.Case No. -160 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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SUBHASH VASHIST @ SUBHASH BASHISTH, S/o Jeet Ram Vashist,
R/o 290B/ Adarsh Nagar near Babu Cinema, P.S.- Adarsh Nagar, District-
Sonipat, Haryana.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Bihar at Patna.
2. The District Magistrate cum Confiscating Officer, Kaimur at Bhabhua.

.... Opposite Parties

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Appearance :

For the Petitioner : M/S. Sumeet Kumar Singh, Satyendra
Prasad Singh and Abhiprav Singh,
Advocates.

For the State : Mr. Arbind Kumar Pandey, APP84

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2018 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 30(a)/38(i)(ii)/41(i)(ii)/47 of
the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 147.96
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 147.96 liters wine is recovered from



the Truck in question. The name of the petitioner has come on the basis of seized Truck. The petitioner is said to be the owner of the Truck. The said Truck was being used as a Public Carrier by the driver of the petitioner. 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 nature of goods booked by the Transporter. 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 Special Judge-cum-A.D.J. IVth, Kaimur, in connection with Durgawati P.S. Case No. 160 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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