

Criminal Miscellaneous No.36884 of 2018

Dipak Kumar Choudhary, S/o Raja Ram Choudhary, R/o Village- Haripur, Majrahi (Kaluahi Chowk), P.S.- Kaluahi, District- Madhubani.

..... Petitioner

Versus

The State of Bihar.

.... Opposite Party

For the Petitioner : Mr. Ratanakar Jha, Advocate.
For the Opposite Party : Mr. S. Ehteshamuddin, APP 56

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-07-2018 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no. 3 of the bail
application in light of submission made in the supplementary
affidavit, in course of day.

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, 414 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2.625 liters wine is said to have been recovered.



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 2.625 liters wine is recovered from joint house of the petitioner. 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 District and Sessions Judge-2nd-cum-Special Judge, Excise Act, Madhubani, in connection with Kaluahi P.S. Case No. 27 of 2018, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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