

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.540 of 2018

Arising Out of PS.Case No. -59 Year- 2017 Thana -TANDWA District- AURANGABAD

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1. Subedar Rajwar S/o Late Bandhu Rajwar, R/o Village- Gajna, P.S.-
Tandwa, Distt.- Aurangabad (Bihar).

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that total 140 litres of
Jawa Mahua and 30 litres of Mahua liquor is said to have been
recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The name
of the petitioner has come on the basis of secret information. The
source and genuineness of secret information has not been
disclosed by the prosecution. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner in
this case. It is alleged that total 140 litres Jawa Mahua and 30



litres wine is recovered from different houses of co-accused. So far petitioner is concerned, only 60 Kg of Jawa Mahua and 10 litres of Mahua liquor are recovered from the joint house of petitioner, where other family members also reside. 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 of the Cr.P.C. The other co-accused have been granted anticipatory bail vide Cr. Misc. No.62737/2017 and 61938/2017.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Tandwa P.S. Case No.59/2017, on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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