

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63321 of 2017

Arising Out of PS.Case No. -216 Year- 2017 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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Sunil Chaudhary, S/o Late Sewak Chaudhary, Resident of Village-
Bhukhan Bigha, P.S.- Magadh Medical, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate.

For the Opposite Party : Mr. Umanath Mishra, A.P.P.

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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 for
the offence registered under Sections 30(a)(d), 38, 44 and 45 of
the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 110 liters wine
and 40 Kg. Mahua Flower 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 110 liters
wine and 40 Kg. Mahua Flower is recovered from different places.
So far petitioner is concerned, 15 liters wine is said to have been
recovered from joint house of the petitioner where other family



members also reside. The name of the petitioner has come on the basis of secret information as per the F.I.R. The source and genuineness of the 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. 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 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 Excise Judge, Gaya, in connection with Bodh Gaya P.S. Case No. 216 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)

