

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1602 of 2018

Arising Out of PS.Case No. -196 Year- 2017 Thana -MALSALAMI District- PATNA

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1. Chhotu Singh @ Natwa S/o-Rampreet Singh R/o Bundel Toli P.S.-
malsalami, Distt.-Patna.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30 (a), 38/41 of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 34 litres of liquor
is said to have been recovered from the possession of co-accused.

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 disclosure made by co-
accused before the police, as per F.I.R. Except for this, there is no
other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 34 litres of liquor is recovered from co-accused. 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.

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 Malsalami P.S. Case No.196/2017, Spl. Case No. 5057/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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