

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1367 of 2018

Arising Out of PS. Case No.-98 Year-2017 Thana- RAJAPAKAR District- Vaishali

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1. Chanchal Kumar @ Sanchal Kumar, Son of Gajendra Ray @ Gagu Rai, Resident of Village- Baikunthpur, P.S.- Rajapakar, Dist- Vaishali.
 2. Alok Kumar Ray @ Alok Kumar, Son of Shankar Rai, Resident of Village- Gauspur, Bariyarpur, P.S.- Rajapakar, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. NAVIN KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 Counsel for the petitioners seeks permission to withdraw
the present application on behalf of petitioner No.2.

Permission is accorded.

The application on behalf of petitioner No.2 is dismissed as
withdrawn.

Heard learned counsel for the petitioner No.1 and learned
APP for the State.

The petitioner No.1 is apprehending his arrest in a case
registered under Sections 30(A)/38(1)(2) and 45 of the Bihar
Prohibition and Excise Act, 2016.

The Prosecution case, in short, is that 350 liters wine is
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 as per 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. It is alleged that 350 liters wine is recovered from a pick up van. The pick up van in question does not belong to the petitioner. 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 No.1, above named, in the event of arrest/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 learned 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in



connection with Rajapakar P.S. case No.98 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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