

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72447 of 2018

Arising Out of PS. Case No.-406 Year-2018 Thana- BAGHA District- West Champaran

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1. Chhotelal Sahni @ Bhagat, S/o Shobhari Sahni, Resident of Nitish Nagar, P.S. Laukariya, District-West Champaran, Bettiah.
 2. Kumbha Bin, S/o Keshwar Bin, Resident of Kailash Nagar, P.S. Bagaha Patkhauri, District-West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-12-2018 It has been submitted that during pendency of this application, the petitioner No. 1 has been taken into judicial custody and hence, this application as against the petitioner No. 1 has become infructuous.

Accordingly, this application as against the petitioner No. 1 is dismissed as withdrawn.

Heard learned counsel for the petitioner No. 2 and learned APP for the State.

The petitioner No. 2 is apprehending his arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 155 liters wine is recovered.



It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2 . The name of the petitioner No. 2 has transpired in this case on the basis of disclosure made by the local residents. The name of the local residents, who have named the petitioner No. 2 , has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 2 in this case. It is alleged that 155 liters wine is recovered from the boat. The boat in question does not belong to the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 2. The petitioner No. 2 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 No. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No. 2, 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



Special Judge, Excise, West Champaran, Bettiah, in connection with Bagaha Patkhauri P.S. Case No. 406 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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