

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41124 of 2018

Arising Out of PS.Case No. -137 Year- 2018 Thana -GAUTAMBUDHNAGAR District- SIWAN
=====

Guddu Tiwary @ Guddu Kumar Tiwary, S/o Sri Pradeep Tiwary, R/o Vill.-
Bharatpura, P.S.- G.B. Nagar, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party
=====

Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate.

For the Opposite Party : Mr. Ramesh Chandra, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-07-2018 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 272, 273, 308 of the IPC,
30(a),34, 36, 38 and 41(1) of the Bihar Excise Act.

The prosecution story, in brief, is that total 956.520
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 956.520 liters wine is recovered from
the Tank attached to the Tractor. The Tank attached with the
Tractor does not belong to the petitioner. The name of the



petitioner has come on the basis of disclosure made by the local residents and *Chaukidar* as per the F.I.R. The name of the local residents, who have named the petitioner, 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/ Complaint Case.

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 A.D.J.-IInd-cum-Special Judge, Excise, Siwan, in connection with G.B. Nagar P.S. Case No. 137 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)