

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64356 of 2018

- =====
1. Vikash Sao, S/o Krishna Sao, Resident of Village-Dumrichatti, P.S. – Fatehpur, District-Gaya &
 2. Santosh Kumar, S/o Mahabir Sao, Resident of Village-Nauranga, P.S. Muffasil, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-10-2018 At the outset, it is submitted that during pendency of this application, the petitioner No. 2 namely, Santosh Kumar has already been arrested.

Accordingly, this application with regard to petitioner No. 2 is dismissed as withdrawn.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner No. 1 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 1548 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 1 that the petitioner No. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioner No. 1 . The name of the petitioner has transpired on the basis of disclosure made by the co-accused Kiran Devi and Laloo Manjhi. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in this case. It is alleged that 1548 liters wine is recovered from Kiran Devi. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 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. 1 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 Special Judge (Excise), Gaya in connection with Muffasil P.S. Case No. 310 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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