

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14304 of 2018

Arising Out of PS.Case No. -474 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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1. Vijay Chaudhary S/o Birkma Choudhary, R/o Village- Mahuari Bichla Tola, P.S.- Siwan Muffasil, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section-272, 273, 308 of the Indian Penal Code and Sections-41(i), 30(a)(b)(c) and 35 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3.6 liters wine is said to have been recovered from fodder house of the petitioner. The said space is open area.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses against the petitioner. It is alleged that 3.6 liters wine is recovered from fodder house of the petitioner. 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.

Considering the aforesaid facts and circumstances, let the petitioner, 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, Excise, Siwan in connection with Muffasil P.S. Case No. 474 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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