

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12670 of 2018

Arising Out of PS. Case No.-181 Year-2017 Thana- CHAUTHAM District- Khagaria

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1. DIGAMBAR SINGH @ DIGBA@ DIGAMBAR SOINGH, S/o Bharat Kumar Singh,
 2. Pancham Singh S/o Late Girja Singh, Both R/o Village- Kaithi, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh
For the Opposite Party/s : SMT. NIRMALA KUMARI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 Counsel for the petitioners seeks permission to withdraw the application with respect to petitioner no. 1 as he is being arrested during the pendency of application.

Permission is accorded.

The application is dismissed as withdrawn so far as petitioner no. 1 is concerned.

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

The petitioner no. 2 is apprehending his arrest in a case registered under Section 420 of the Indian Penal Code and Sections 30(g)(e) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1279.2 liters



wine is recovered.

It has been submitted on behalf of the petitioner no. 2 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 transpired as being the owner of the premises in question. The premises in question was let out to the co-accused Digambar Singh @ Digba who has already been arrested. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1279.2 liters wine is recovered from the godown in question which was let out by 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 no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let 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 Additional Sessions Judge-I-cum-Special Judge, Excise, Khagaria in connection with Chautham P.S. Case No. 181/2017 (G.R. No. 3051/2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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