

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21949 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- MASRAKH District- Saran

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Dhanu Pratap Singh Son of Mahatam Singh, Resident of Village-Chand
Barwa, P.S.-Masharakh, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar

For the Opposite Party/s : Mr. Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-04-2018 Supplementary affidavit has been filed on behalf of the
petitioner. Let it be kept on the record.

In the light of the supplementary affidavit, the counsel for
the petitioner is permitted to make necessary correction in para-3 of
the main application in course of the day.

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

The petitioner is apprehending his arrest in a case registered
under Sections 30, 30(a), 30(c), 38, 41, 47 of the Bihar Prohibition
and Excise Act, 2016 and Sections 272, 273 of the I.P.C.

The prosecution case, in short, is that 1738.800 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there is no
allegation of tampering of witnesses alleged against the petitioner.
The name of the petitioner has come on the disclosure of co-accused



Rohit Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1738.800 liters wine is recovered from three vehicles. None of the vehicles in question belongs to 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 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 6th A.D.J., Saran at Chapra in connection with Mashrakh P.S. case No.70 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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