

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25033 of 2018

Arising Out of PS.Case No. -150 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Tejbant Kumar Singh Son of Jagarnath Singh Resident of Village-
Harpur Hardas, P.S. Rajapakar District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered under Sections-147, 148, 149, 323, 324, 307 and 332 of the Indian Penal Code and Sections-30(a), 38(1)(2) and 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 141 litres wine is recovered.

It has been submitted on behalf of the petitioner 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 in this case as he had protested the arrest of the co-accused namely, Paramtosh Kumar Singh and Ashutosh Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. No wine is alleged to have



been recovered from conscious possession of the petitioner. It is alleged that 141 liters wine is recovered from the shop of Paramtosh Kumar Singh and Ashutosh Kumar. 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. The other co-accused has been granted anticipatory bail by this court vide order dated 12-04-2018 passed in Cr. Misc. No. 21992 of 2018.

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, Vaishali at Hajipur in connection with Desari P.S. Case No. 150 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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