

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11654 of 2018

Arising Out of PS.Case No. -805 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Sudhir Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand

For the Opposite Party/s :Mr. Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Town P.S. case no. 805 of 2017 registered for the offences punishable under Sections 188/ 120(B)/34 of the Indian Penal Code and Section 30 and 38 of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 1080 liters of illicit liquor was recovered from the side of the road situated in front of the house of the petitioner.

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 basis of secret information as per FIR. The source and genuineness of the secret information has not been disclosed by the prosecution.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1080 liters wine is recovered from the side of the road in front of the house of 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. It is further submitted that similarly situated co-accused person has already been granted bail by this Court by an order dated 26.2.2018 passed in Cr. Misc. No.10287 of 2018.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/FIR.

Considering the nature of accusation levelled against the petitioner herein as also the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with



two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Vaishali at Hajipur in connection with Hajipur Town PS case no. 805 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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