

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40577 of 2018

Arising Out of PS.Case No. -575 Year- 2017 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Dipendra Singh, Son of Beni Singh.
 2. Baya Miya, Son of Marhum Hamid Miya, Both resident of Village
Kodarkat P.S. Jitana District- East Champaran, Motihari.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Jai Narain Thakur, APP 184

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 Learned counsel for the petitioners seeks permission
to withdraw the anticipatory bail application on behalf of
petitioner no. 2 Baya Miya in connection with Ghorashahan (Jitna)
P.S. Case No. 575 of 2017, pending in the court of learned 4th
Additional Sessions Judge-cum-Special Judge, Excise, East
Champaran, Motihari.

Permission is accorded.

The anticipatory bail application on behalf of
petitioner no. 2 Baya Miya is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 1 and
learned counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a) of the Bihar Prohibition



and Excise Act, 2016.

The prosecution story, in brief, is that total 81 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 81 liters wine is recovered by the side of the Railway Crossing. The name of the petitioner has come on the basis of disclosure made by the co-accused Manoj Paswan. 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/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner no. 1 Dipendra Singh, in the event of arrest or 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 the learned 4th Additional Sessions Judge-Cum-Special Judge, Excise, East Champaran, Motihari, in connection with Ghorashahan (Jitna) P.S. Case No. 575 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

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