

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42047 of 2018

Arising Out of PS.Case No. -109 Year- 2018 Thana -CHENARI District- SASARAM (ROHTAS)

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SHRAWAN KUMAR JAISWAL @ SHRAWAN KUMAR, S/o Sachita
Nand Jaiswal, Resident of Village- Nakta Telari, P.S.- Chenari, District-
Rohtas Bihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sudha Chandra

For the Opposite Party : Mr. Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case
registered under Sections-30(a), 32(3), 35 of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 536 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 as the alleged recovery is said to have
been made from joint house of the petitioner where other family
members also reside. Except for this, there is no other substantive
evidence to suggest the implication of the petitioner in this case. It



is alleged that total 536 liters wine is recovered. Out of which 216 litres is recovered from the joint family house. 302 litres is recovered by the side of the temple. 70 litres wine is recovered from the car, in question. 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Rohtas at Sasaram in connection with Chenari P.S. Case No. 109 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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