

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49833 of 2018

Arising Out of PS.Case No. -194 Year- 2018 Thana -GAUTAMBUDHNAGAR District- SIWAN
=====

1. Pappu @ Pappu Jayswal, Son of Dwarika Prasad, Residence of Village-
Chaumukha, Police Station- Pachrukhi, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav

For the Opposite Party/s : Mr. Umanath Mishra
=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 & 308 of the Indian Penal Code and Sections-30(a)/36/38/41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4.470 liters 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 on the basis of disclosure made by the co-accused Ram Sundar Ram. Except for this, there is no other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 4.470 liters wine is recovered from co accused Ram Sundar Ram. 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 2nd Additional District Sessions Judge-cum-Special Judge, Excise, Siwan in connection with G.B. Nagar P.S. Case No. 194 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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