

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68185 of 2018

Arising Out of PS. Case No.-151 Year-2018 Thana- HUSSAINGANJ District- Siwan

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Raju Chaudhary @ Rajul Chaudhary son of Bholu Chaudhary, Resident of
Village- Rajanpura, P.S. M.H. Nagar (Hasanpura), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2018 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, 420/34 of the Indian Penal Code and 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 23.64 liters wine is recovered.

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 transpired on the basis of disclosure made by the co-accused namely Baidya Nath Choudhary. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case.



It is alleged that 23.64 liters wine is recovered from the house of Baidya Nath Choudhary. 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, 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 Additional Sessions Judge -II- cum- Special Judge, Excise, Siwan in connection with Hussainganj (M.H. Nagar) P.S. Case No. 151/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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