

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62833 of 2017

Arising Out of PS.Case No. -247 Year- 2017 Thana -WARSALIGANJ District- NAWADA

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1. UPENDRA @ UPENDAR PASWAN, Son of Late Kisun Paswan,
resident of village Rasanpur, P.S.- Warisaliganj, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 272, 273 of the Indian Penal Code and
30(a) of Bihar Excise Amendment Act, 2016.

The prosecution story, in brief, is that total 1005 litres
of liquor and gurrh solution is said to have been 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 come on the basis of section information as
per the F.I.R. 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 total 1005 litres of liquor and gurrh solution is recovered, out of which 375 litres of liquor is recovered from inside and outside of the abandoned house of 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Warisaliganj P.S. Case No.247/2017, on furnishing bail bond 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, Nawada, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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