

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61990 of 2017

Arising Out of PS.Case No. -10 Year- 2012 Thana -GOVERNMENT OFFICIAL COMP. District- SARAN

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Kameshwar Singh, Son of Satya Narayan Singh, Resident of Village- Shyam Kauriya, Police Station- Isuapur, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Narendra Kumar, Advocate.

For the Opposite Party : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-01-2018 The defect no. 14(4), as pointed out by the Stamp Reporter, is ignored.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Section 47(a) of the Excise Act.

The prosecution story, in brief, is that 30 liters spirit is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 30 liters



spirit is recovered in abandoned stage from the hut in question. The name of the petitioner has come in the present case on the basis of recovery made from the hut which was situated in front of the house of the petitioner. 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 complaint.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 A.C.J.M.-XI, Saran at Chapra, in connection with Trial No. 1422 of 2017, arising out of Excise Case No. 10 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)