

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63205 of 2017

Arising Out of PS.Case No. -158 Year- 2017 Thana -DARAUNDHA District- SIWAN

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Lalan Chaudhary son of Shree Kishun Chaudhary residence of village -
Balbangra, Police Station - Daraunda, District - Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shambhu Prasad Yadav, Advocate.

For the Opposite Party : Smt. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-01-2018 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 Sections 272, 273/34 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 119.74 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that 119.74 liters wine is recovered from
different places of Mango Orchard belonging to different persons.
As far as the petitioner is concerned, as per the seizure list, 2 liters



wine is recovered by the side of *Bathan* of the petitioner in abandoned stage. The name of the petitioner has come on the basis of disclosure made by the co-accused. 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 F.I.R.

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 Additional District & Sessions Judge-IIInd, Siwan, in connection with Daraunda P.S. Case No. 158 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)