

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63598 of 2017

Arising Out of PS. Case No.-299 Year-2017 Thana- MASRAKH District- Saran

Vijay Kumar Pandey S/o Ramayan Pandey, R/o Village- Parasagana, P.S.-
Paikoliya, District- Basti, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Opposite Party/s : Mr. KANHAIYA KISHORE

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 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 of the I.P.C. and Sections 30, 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 6000 liters spirit 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 come on the basis of seized truck in question. The petitioner is said to be the owner of the truck in question. The said truck is used as public Carrier. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 6000 liters spirit is recovered from the truck in question. The petitioner had no knowledge regarding the goods being carried by the transporter on the truck. 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 Additional District and Sessions Judge 6th, Saran at Chapra in connection with Mashrak P.S. case No.299 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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