

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36149 of 2018

Arising Out of PS.Case No. -10 Year- 2017 Thana -KORANSARAI District- BUXAR

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Vishwamitra @ Vishwamitra Singh, Son of Shiv Vachan Singh resident of
Village - Chhotki Lahna, P.S. - Simary, District - Buxar.

..... Petitioner

Versus

The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Brajesh Kumar, Advocate.
For the Opposite Party : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-07-2018 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 30(a) and 47 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 704.16
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 total 704.16 liters wine is recovered from



the Pick-up Van in question. The Pick-up Van in question does not belong to the petitioner. The name of the petitioner has come on the basis of a chit of paper which was found in the Pick-up Van in question where the name of the petitioner was mentioned. 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. Other co-accused persons have been granted anticipatory bail by another Co-ordinate Bench of this Court in Cr. Misc. No. 19797 of 2018 dated 27.06.2018.

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 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 Sessions Judge-II-cum-Special Judge, Excise Act, Buxar, in connection with Koran Sarai P.S. Case No. 10 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)

