

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53158 of 2018

Arising Out of PS.Case No. -167 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SARAN

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1. Krishna Choudhary Son of Janak Choudhary Resident of Village- Sandha
Dhala, P.S. Muffasil District-Saran, Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section 30(A) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 30.35 liters wine 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 transpired on the basis of disclosure made by
the co-accused Prem Kumar. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner in



this case. It is alleged that 30.35 liters wine is recovered from Prem Kumar. 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 6th A.D.J./Special Judge, Excise, Saran, Chapra in connection with Excise P.S. (Excise) Case No. 167 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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