

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66579 of 2018

Arising Out of PS. Case No.-242 Year-2018 Thana- WARISNAGAR District- Samastipur

Shiv Chandra Ray Son of Tilak Dhari Ray Resident of Village- Maktapur, P.S.
Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma

For the Opposite Party/s : Mr. Amrendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2018 Counsel for the petitioner is permitted to make necessary
correction in paragraph 3 of the main application in course of the day.

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 Indian Penal Code and 47
and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 356.2 liters wine is
recovered.

It has been submitted on behalf of the petitioner that 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 local residents. The name of local residents,
who have named the petitioner, has not been disclosed by the
prosecution. Except for this, there is no other substantive evidence to



suggest the implication of the petitioner in this case. It is alleged that 356.2 liters wine is recovered from the house of Bhikhari Mahto and from a motorcycle. The motorcycle in question does not belong to the petitioner. 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./ complaint case.

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 ADJ-III-cum- Special Judge, Excise, Samastipur in connection with Waris Nagar P.S. Case No. 242 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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