

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1896 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -DEO District- AURANGABAD

=====

Abhijit Choudhary, Son of Late M.L. Choudhary. resident of 205/B, Regent Colony, P.S. Tallyganj, District-- Kolkatta- 40, (West Bengal).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate.

For the Opposite Party : Mr. Anuj Kumar Srivastava, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 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 Section 30(k) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 119 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 liters wine is recovered from the car in question. The name of the petitioner has transpired in the present



case as the recovery made from the vehicle in question belongs to the petitioner. The petitioner controverts the said stand of the prosecution as it is evident from Annexures-2 and 3 to the present application that prior to the alleged occurrence, the vehicle in question was already sold to one Kurban Khan. 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 Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, in connection with Deo P.S. Case No. 05 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)