

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30314 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -KHODABANDPUR District- BEGUSARAI

Mukesh Paswan, son of Ram Bahadur Paswan, Resident of Village-Khodawanpur, P.S. Khodawanpur, District-Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : M/S. Ajay Kumar Tiwary, Ranjeet Kumar and Kundan Kumar, Advocates.

For the State : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2018 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(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 243 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 243 liters wine is recovered by the side of road. The name of the petitioner has come on the basis of disclosure made by co-accused



Ranvir Kumar @ Ranbir Kumar. 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.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case. The petitioner has criminal antecedent. Hence, in social interest, it would not be appropriate to grant anticipatory bail to the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Khodawandpur P.S. Case No. 43/2018, pending in the court of learned Additional Sessions Judge-II-cum-Special Judge, Excise Court, Begusarai. Anyhow, if the petitioner surrenders and prays for regular bail in the court below, the same shall be considered on its own merit without being prejudiced by this order of the Court preferably on the same day.

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(Sudhir Singh, J)

