

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35638 of 2018

Arising Out of PS.Case No. -154 Year- 2018 Thana -PAROO District- MUZAFFARPUR

Sandeep Singh @ Sandeep Kumar Singh, son of Shivnath Singh, Resident of village- Daudpur, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ganesh Prasad Singh, Advocate.

For the Opposite Party : Mr. Satyendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 06-07-2018 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 20 and 20 of the NDPS Act and Sections 30(a), 38, 41 and 44 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 36.435 liters wine and 2.300 Kg. Ganja 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 36.435 liters wine is recovered from the joint house of the petitioner as per seizure list. From the house of co-accused, 2.300 Kg. Ganja is said to have been recovered.



The same is below the commercial quantity. The name of the petitioner has come on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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. and Section 42 of N.D.P. S. Act.

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 Special Judge, Excise Act, Muzaffarpur, in connection with Paroo P.S. Case No. 154 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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