

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52891 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- ROSERA District- Samastipur

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1. Kailash Kumar son of Subhash Mandal.
 2. Subhash Mandal son of Fekan Mandal. Both residents of Village- Fatehpur P.S. Rosera District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-09-2018 Counsel for the petitioners seeks permission to withdraw
the present application on behalf of petitioner No.2.

Permission is accorded.

The application on behalf of petitioner No.2 is dismissed
as withdrawn.

Heard learned counsel for the petitioner No.1 and learned
APP for the State.

The petitioner No.1 is apprehending his arrest in a case
registered under Sections 420, 467, 471 of the I.P.C. and
Sections 30(a), 36, 38(1) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 1400 liters wine is
recovered.



It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner No.1. The name of the petitioner No.1 has transpired as his name figured in the list produced by the co-accused Md. Irfan Alam. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No.1 in this case. It is alleged that 1400 liters wine is recovered from the truck. The truck in question does not belong to the petitioner No.1. Nothing incriminating has been recovered from the conscious possession of the petitioner No.1. The petitioner No.1 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 No.1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No.1, 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 A.D.J. VI-cum-Special Judge, Excise, Samastipur in connection



with Rosera P.S. case No.58 of 2018, G.R. No.556 of 2018,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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