

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2033 of 2018

Arising Out of PS. Case No.-62 Year-2017 Thana- PATEPUR District- Vaishali

Gopal Singh, Son of Ashok Singh, Resident of Village- Mandadih, Police Station- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. YOGENDRA KUMAR

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 414/34 of the I.P.C. and Sections 30(A)/32(ii)/38(ii)/41(i) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 2563 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.11.2017 and has got no criminal antecedent. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 2563 liters wine is recovered from the orchard of co-accused Avinash Kumar.



The petitioner was not apprehended on the spot. The name of the petitioner has transpired in the present case 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. 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. Other co-accused has been granted bail vide Cr.Misc.No.39873 of 2017.

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, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IInd-cum-Special Judge, Excise, Act, Hajipur in connection with Patepur P.S. case No.62 of 2017.

(Sudhir Singh, J)

Narendra/-

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