

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.67686 of 2018

Arising Out of PS.Case No. -37 Year- 2018 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

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1. Pankaj Shukla son of Suresh Shukla Resident of Village- Jalalpur P.S.
Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjana Parihar

For the State : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered
under Sections 30(a), 32(ii), 38(ii), 41(iii) of the Bihar Prohibition and
Excise Act, 2016 and 22(i-B)A/26 of the Arms Act.

The prosecution case, in short, is that 3049 liters wine is
recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The name of the
petitioner has transpired in this case on the basis of disclosure made by
the co-accused Pradeep Kumar. Except for this, there is no other
substantive evidence to suggest the implication of the petitioner in this
case. It is alleged that 3049 liters wine is recovered from the truck in
question. The truck in question does not belong to the petitioner.



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. So far recovery of a pistol is concerned, the same is alleged to have been recovered from co-accused Pradip Singh.

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/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 2nd Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 37 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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