

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1706 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -PATEPUR District- VAISHALI(HAJIPUR)

Sanjay Kumar Diwakar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case instituted under Sections 414, 120(B)/34 of Indian Penal Code and Sections 30(A), 32 (ii), 38(ii), 41(i) and 47 of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1729 litres of liquor 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 come on the basis of seized pick up Vans. The petitioner is said to be the owner of pick up van. The said van was being run as a public carrier by the driver of the petitioner. Except for this, there is no other substantive evidence to suggest



the implication of the petitioner in this case. It is alleged that 1729 litres of liquor is said to have been recovered, out of which, 54 litres of liquor is said to have been recovered from the pick up van in question, which was being run by the driver of 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Patepur P.S. Case No.100/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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