

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22689 of 2018

Arising Out of PS. Case No.-100 Year-2017 Thana- PATEPUR District- Vaishali

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Vivekanand Chaudhary, S/o Bashishat Narayan Chaudhary @ Bashisht Narayan Chaudhary, Resident of village- Bisheshwariya Colony, South Bar Masiya, P.S.- Deoghar, Distt.- Deoghar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 Learned counsel for the petitioner is permitted to make necessary correction in prayer portion of the main application in course of the day.

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(i)/47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1729.08 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 as he is alleged to be the owner of the



car in question. The said car in question is run as taxi 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 1729.08 liters wine is recovered from 9 different vehicles out of which 18 liters wine is recovered from the car belonging 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.

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/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, Excise, Vaishali at Hajipur in connection with Patepur P.S. Case No. 100/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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