

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38327 of 2018

Arising Out of PS.Case No. -136 Year- 2018 Thana -BANIAPUR District- SARAN

Dhurendra Shaw @ Durendar Sah @ Dhurandhar Sah @ Dhurendra Sah,
Son of Late Raghunath Sah, Resident of Village- Dhobawal, Police Station-
Baniyapur, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Satya Prakash, Advocate.

For the Opposite Party : Smt. Madhuri Lata, A.P.P. 103.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that total 2645.100
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 2645.100 liters wine is recovered from
the Truck in question. The Truck in question does not belong to
the petitioner. The name of the petitioner has come on the basis of



disclosure made by the co-accused namely Vivek Kumar Singh. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 anticipatory bail by another co-ordinate Bench in Cr. Misc. No. 36359 of 2018 dated 28.06.2018

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 or 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 the learned 6th Additional District and Judge, Saran at Chapra, in connection with Baniyapur P.S. Case No. 136 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

