

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65890 of 2018

Arising Out of PS.Case No. -376 Year- 2018 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Vinay Jaiswal, S/o Umesh Jaiswal, R/o Village- Kailash Nagar, P.S.-
Bagaha (Patkhauri), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Mohan Tripathi

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 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 Section 30A of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 264 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 on the basis of disclosure made by
the co-villagers. The name of co-villagers has not been disclosed
by the prosecution. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 264 liters wine is recovered from the bush situated by the side of railway pond. 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.

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 Special Judge, Excise, Bettiah, West Champaran in connection with Bagaha Patkhauri P.S. Case No. 376 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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