

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47820 of 2018

Arising Out of PS.Case No. -304 Year- 2018 Thana -SIWAN MUFFASIL District- SIWAN

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Chandan Pandey, S/o Paras Nath Pandey, resident of Village-Jhunapur, P.S. Mahadewa, O.P. (Muffasil), District-Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30(A), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3.20 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 local residents. The name of local residents, who have named the petitioner, 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 3.20 liters wine is recovered from two places i.e. from the motorcycle and house of the co-accused. The motorcycle 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.

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 District & Sessions Judge, Siwan in connection with Siwan Muffasil (Mahadewa O.P.) P.S. Case No. 304 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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