

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55417 of 2018

Arising Out of PS. Case No.-251 Year-2018 Thana- MASHRAK District- Saran

1. Suresh Prasad son of Late Krishana Prasad, resident of village Haminpur,
P.S. Baikunthpur, District Gopalganj
2. Mantu Ray son of Ramayan Ray, resident of village Bashaha, P.S.
Baikunthpur, District Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-09-2018 Counsel for the petitioners seeks permission to
withdraw the present application on behalf of petitioner No.2 as
he has been taken into judicial custody.

Permission is accorded.

The application on behalf of petitioner No.2 is
dismissed as withdrawn.

Heard learned counsel for the petitioner No.1 and
learned APP for the State.

The petitioner No.1 is apprehending his arrest in a case
registered under Sections 467, 468, 471 of the I.P.C. and
Sections 30/30(a)/38/41 of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 2362 liters wine is



recovered.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The name of the petitioner No.1 has come on the disclosure of co-accused Ramji Prasad. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No.1 in this case. It is alleged that 2362 liters wine is recovered from the truck and pick up van. None of the vehicles in question belongs to the petitioner No.1. Nothing incriminating has been recovered from the conscious possession of the petitioner No.1. The petitioner No.1 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 No.1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No.1, 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 6th



A.D.J., Saran, Chapra in connection with Masrakh P.S. case
No.251 of 2018, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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