

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18515 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- BIDUPUR District- Vaishali

Sanjay Kushwaha @ Sanjay Singh Kushwaha, aged about 45 Years (M), Son of Ram Babu Singh, Resident of Village - Mile, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mukesh Kumar, Advocate.
For the Opposite Party : Mr.Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned A.P.P. 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 on 21.07.2018 at 20.00 O'clock, the informant got secret information that near Kanchanpur Chowk in a Banswari, wine is unloading from a Truck through the petitioner (Sanjay Kushwaha), co-accused Pawan Kumar, Ranjan Kumar, Manoj Kumar and same will be selling in a local area. After instituting the information, the informant alongwith other police personnels reached at that place and saw that 8-10 persons were fleeing from a Container.



The informant chased them in a torch light and headlight of government vehicle but they fled away. The informant identified petitioner (Sanjay Kushwaha), co-accused Pawan Kumar and Ranjan Kumar. Thereafter, the informant recovered 1485 liters wine from the Container.

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. The petitioner is alleged to have been identified by the police party. The petitioner is not known to the police party nor the police party is known to the petitioner. Hence, identification made by the police party is itself doubtful. It is alleged that total 1485 liters wine is recovered from the Container in question. The Container in question does not belong to the petitioner. 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.

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 Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 263 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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