

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2915 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- VAISHALI District- Vaishali

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1. GUDDU PASWAN S/o Banai Paswan R/o village- Subhai, P.S.- Vaishali, District- Vaishali
 2. Vikash Rai @ Vikash Kumar Rai S/o Siyalal Rai R/o village- Subhai, P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

On behalf of the petitioner no. 2, it has been submitted that due to mistake the anticipatory bail application of the petitioner no. 2 has been filed second time during pandemic. The counsel for the petitioner no. 2 could not verify whether the other anticipatory bail application has been filed on behalf of the petitioner no. 2 or not. Hence, under misconception, the anticipatory bail application of petitioner No.2 was filed second



time.

In the said circumstances, the counsel for the petitioner no. 2 seeks permission to withdraw the present application in respect of petitioner No.2 as he has already been granted anticipatory bail by order dated 25.02.2021 passed in Cr.Misc.No.30030 of 2020.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.

The petitioner No.1 is apprehending his arrest in connection with Vaishali P.S. case No.107 of 2020 registered under Sections 147, 148, 149, 341, 342, 323, 353, 324, 307, 332, 333, 364, 386, 387, 504, 506, 120B of the Indian Penal Code and 25(1-b)a, 26, 35 of the Arms Act and 30(a) of Bihar Prohibition and Excise Act, 2018.

Allegation is that 16.020 liters wine from the motorcycle and one loaded country made pistol with two live cartridges are recovered.

It has been submitted on behalf of the petitioner No.1 that there is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. It is alleged that 16.020 liters



wine is recovered from the motorcycle. When the police came to arrest, the local residents protested against the police. On secret information, the name of the petitioner No.1 has transpired in the present case. There is no recovery of liquor from the possession of the petitioner No.1. No specific overt act is alleged against the petitioner No.1.

On behalf of the State, it is submitted that the petitioner No.1 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner No.1, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur in connection with Vaishali P.S. case No.107/2020, 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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