

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8374 of 2021

Arising Out of PS. Case No.-1172 Year-2018 Thana- DEHRI TOWN District- Rohtas

1. Dhananjay Singh @ Dhananajay Kumar Singh, Male, aged about 45 years, Son of Shyamlal Singh, Resident of Village - Makrain, P.S.- Dalmianagar, Distt.- Rohtas.
2. Butan Kumar @ Bhutan Kumar, Male, aged about 44 years, Son of late Kuwar Choudhary, Resident of Village - Shivganj, Pali Road, P.S.- Dehri (T), Distt.- Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Siddharth Harsh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Dhananjay Singh @ Dhananajay Kumar Singh, as he has been taken into judicial custody in connection with Dehri (Town) P.S. Case No. 1172 of



2018, pending in the court of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Dhananjay Singh @ Dhananajay Kumar Singh, is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and learned counsel for the State through virtual mode.

Now, the petitioner no. 2 is apprehending his arrest in a case for the offence registered under Sections 467, 468, 471, 420, 120(B) of the I.P.C. and Sections 30(a), 38(i)(ii), 41(i)(ii), 31, 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 4968 liters wine is recovered from the Truck and Bolero Pick-up Van in question.

It has been submitted by learned counsel for the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. He is not named in the F.I.R. It is alleged that total 4968 liters wine is recovered from the Truck and Bolero Pick-up Van in question.



The vehicles in question do not belong to him. His name has come in the present case on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest his implication in this case. Nothing incriminating has been recovered from his conscious possession. He 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. 2 is not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 2 above named, (Except petitioner no. 1, namely, Dhananjay Singh @ Dhananjay Kumar Singh) 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 his personal bond to the satisfaction of the learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Dehri (Town) P.S. Case No. 1172 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 2 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand)



with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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