

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39 of 2023

Arising Out of PS. Case No.-129 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

=====

SURENDRA CHAUDHARY S/o Late Jaglal Chaudhary R/ Village-
Maharajganj, Police Station- Chapra Muffasil, District- Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party : Mr.Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section-47(a) of the Excise Act.

The prosecution case, in short, is that 35 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. It is alleged that
35 liters wine is recovered from a hut belonging to joint family of 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. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

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 twelve 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 Additional District & Sessions Judge-II-cum-Ist Exclusive Special Excise Court, Saran at Chapra in connection with Excise P.S. Case No. 129 of 2015 corresponding to Excise Trial No. 1293 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

