

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58013 of 2017

Arising Out of PS.Case No. -138 Year- 2017 Thana -JAMALPUR District- MUNGER

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1. Sunil Sahani @ Bholta son of Late Suraj Sahani resident of village Lalu Pokhar, Police Station Kasim Bazar, District Munger.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case instituted under Sections 30(a) and 32 of the Bihar Excise Act and Prohibition Amendment Act, 2016.

The prosecution story, in brief, is that 44 litres of liquor is said to have been recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the basis of confessional statement of co-accused made before police as per F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged



that 44 litres of liquor is recovered from Urmila Devi and Maya Devi. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Jamalpur P.S. Case No. 138/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Munger, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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