

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57871 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -GORIAKOTHI District- SIWAN

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Sahabu @ Sahabuddin, S/o Nizamuddin Mian, R/o Vill + P.O.- Saidpura,
P.S.- Goriakothi, Distt.- Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhuneshwar Pandey, Advocate.

For the Opposite Party : Mr. Chandrasen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
22.09.2017 in a case for the offence registered under Sections 272,
273, 308 of the IPC and 30(i), 41(i) of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 226.800 liters
wine is said to have been recovered.

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. It is alleged that 226.800 liters wine is recovered from open



field of one Arvind Tiwari. The name of the petitioner has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents who has named the petitioner has not been disclosed by the prosecution. 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.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on 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 District and Sessions Judge-II-cum-Special Judge, Excise, Siwan, in connection with Goriakothi P.S. Case No. 155 of 2017.

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(Sudhir Singh, J)

