

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4368 of 2018

Arising Out of PS.Case No. -434 Year- 2017 Thana -ALAMGANJ District- PATNA

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Subhash Saw, Son of Late Ramchandra Sao, Resident of Mohalla-Jalla Road, Police Station-Alamganj and District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 14.11.2017 in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 21.800 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 21.800 liters wine is recovered from abandoned hut of the petitioner. The name



of the petitioner has come on the basis of alleged recovery made from abandoned hut of the petitioner as per F.I.R. 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 liquor kept in abandoned hut. 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/ complaint case.

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 Special Judge, Excise, Patna, in connection with Special Case No. 8056 of 2017, arising out of Alamganj P.S. Case No. 434 of 2017.

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(Sudhir Singh, J)

