

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3898 of 2018

Arising Out of PS.Case No. -158 Year- 2017 Thana -LAUKHA District- MADHUBANI

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Bhawani Prasad Sah, Son of Late Amrit Sah, Resident of Village-Simraha
P.S.-Barsain District-Saptari (Nepal).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate.

For the Opposite Party : Mr. Amrendra Prasad, 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
22.09.2017 in a case for the offence registered under Sections 272,
273 of the IPC and 30(a) of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 228 liters
Nepali 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 228 liters



Nepali wine is recovered from a pond in question. The pond in question does not belong to the petitioner. The petitioner is not named in the F.I.R. In course of investigation, the name of the petitioner has come merely on the basis of suspicion. 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/ 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Laukaha P.S. Case No. 158 of 2017 (G.R. No. 343 of 2017).

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(Sudhir Singh, J)

