

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16796 of 2018

Arising Out of PS.Case No. -37 Year- 2018 Thana -SAKRA District- MUZAFFARPUR

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1. Shivnath Sah Son of Punit Sah Resident of Village- Vishanpur
Haghnagari, P.S. Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30(a) & 38(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 369 ml. 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. The name of the petitioner has transpired in the present case as the alleged recovery is made from abandoned Gumti shop of the petitioner.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 360 ml. wine is recovered from an abandoned Gumti shop of the petitioner. 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, in the event of arrest/surrender before the learned court below within a period of six 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Muzaffarpur in connection with Sakra P.S. Case No. 37 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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