

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30935 of 2018

Arising Out of PS. Case No.-59 Year-2017 Thana- MAHUA District- Vaishali

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Jitendra Sah Son of Jageshwar Sah Resident of Village - Gaushpur Izaara, P.S.
Sadar Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 414 of the Indian Penal Code and Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2064 liters wine is 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 transpired as the vehicle in question belongs to the petitioner. The said vehicle is run as a public career. The petitioner had no knowledge regarding nature of goods booked by the transporter. Except for



this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 2064 liters wine is recovered from the truck in question. 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, 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 Additional Sessions Judge-II-cum- Special Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 59 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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