

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46008 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

=====

1. MD. NASIM @ NASIM RAIN @ MD. NASIM REYAN Son of Md. Islam resident of Village- Rasalpur, P.S. HayaGhat, Distt. Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-30(a)/38(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 480 liters toddy 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 in the present case as the informant claims to have identified the petitioner. The petitioner is not known to the informant nor the informant is known to the petitioner. Hence the identification made by the informant itself is doubtful. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 480 liters toddy is recovered from an Auto Rickshaw in question. The Auto Rickshaw in question does not belong to 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 6th Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Excise Case No. 90 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

