

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49615 of 2018

Arising Out of PS.Case No. -390 Year- 2017 Thana -TAJPUR District- SAMASTIPUR

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Indrajeet Sahni S/o Sri Ram Padharath Sahni, R/o Vill.- Indrawara, Patori,
P.S.- Tajpur, Halai (O.P.), District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 302, 307, 324, 326, 332, 333, 34 and 353 of the Indian Penal Code, 27 of the Arms Act and 45, 47, 30(a) & 38(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 281 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 on the basis of disclosure made by the co-accused Bimal Rai @ Radhe Rai. So far as Section-302 of the Indian Penal Code is concerned, neither



there is substantive evidence to suggest the implication of the petitioner nor is any circumstantial evidence to implicate the petitioner in the present case. It is alleged that 281 liters wine is recovered from the car in question. The car 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 Additional Sessions Judge-VIth, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 390 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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