

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11091 of 2018

Arising Out of PS.Case No. -50 Year- 2012 Thana -BHAPATIYAH District- SUPAUL

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Subodh Sah, S/o Anandi Sah @ Anand Lal Sah, R/o Village- Kalyanpur,
P.S.- Bhaptiyahi, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 19-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 47(A) of the Excise Act.

The prosecution story, in brief, is that total 34 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. After investigation, the police has submitted final form
against the petitioner. He was not sent up for trial. Ultimately, the
court below deferred with the police report and in the year 2017,
non bailable warrant of arrest was issued against the petitioner. It



is alleged that total 34 liters wine is recovered from joint house of the petitioner. The name of the petitioner has come on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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, in the event of arrest or 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 the learned Additional Sessions Judge-2nd, Supaul-cum-Special Judge, Excise Act, Supaul, in connection with Bhaptiyahi P.S. Case No. 50/2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)