

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18945 of 2018

Arising Out of PS.Case No. -292 Year- 2017 Thana -MAJHAHGARH District- GOPALGANJ

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Lal Bihari Sah, S/o Late Rajdhary Sah, R/o Village- Vikrampur, P.S.-
Jadipur, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shakti Suman Kumar, Advocate.

For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 03-04-2018 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 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that total 61.560
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. It is alleged that 360 ML wine is recovered from the
motorcycle in question as per seizure list. 61.200 liters wine is
alleged to have been recovered from two different places which do
not belong to the petitioner. The name of the petitioner has come



on the basis of alleged recovery made from the motorcycle of the petitioner. The said motorcycle was given by the petitioner to a co-villager for his personal use. 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 2nd Additional Sessions Judge-cum-Special Judge, Gopalganj, in connection with Majhagarh P.S. Case No. 292 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)