

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45780 of 2018

Arising Out of PS. Case No.-206 Year-2017 Thana- HUSAINGANJ District- Siwan

Sagar Sah @ Sagar Gupta S/o Late Uma Sah @ Late Uma Shankar Prasad
Gupta, R/o Vill.- Laxmipur Andar Dhala, P.S.- Siwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273, 308 of the I.P.C. and Sections 41(i), 30, 36, 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 38.600 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 come on the disclosure of co-accused Deepak Ram. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 38.600 liters wine is recovered



from the tempo. The tempo 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Hussainganj P.S. case No.206 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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