

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71987 of 2018

Arising Out of PS. Case No.-485 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Arun Sahani, s/o- Ram Chandra Sahani, r/o- village Mutalupur, P.S.- Sakra,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma
For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 47, 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016 and sections 272 and 273 of the Indian Penal Code.

The prosecution case, in short, is that 431.25 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. 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-accuseds namely Shiv Shankar and Ajay. Except for this, there is no other substantive evidence to suggest the implication of the



petitioner in this case. It is alleged that 431.25 liters wine is recovered from the truck in question. The truck 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./complaint case.

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 ADJ-III-cum- Special Judge, Excise, Samastipur in connection with Samastipur Muffasil P.S. Case No. 485/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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