

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.617 of 2018

Arising Out of PS.Case No. -15 Year- 2016 Thana -JADOPUR District- GOPALGANJ

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1. Indrashan Sah, Son of Late Shankar Sah, resident of Village- Jhakhara Bazar, Police Station- Jagdishpur, District- West Champaran at Bettiah.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case instituted under Sections 272, 273, 420/34 of the Indian Penal Code and Section 47(A) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 800 litres of kachcha spirit is said to have been recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come in course of investigation on the basis of seized motorcycle. The petitioner is said to be the owner of seized motorcycle. Except for this, there is no other substantive evidence



to suggest the implication of the petitioner in this case. It is alleged that 800 litres of kachcha spirit is recovered from a pick up van. The said pick up van 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Yadopur P.S. Case No.15/2016, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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