

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62868 of 2017

Arising Out of PS.Case No. -360 Year- 2017 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Harendra Sah S/o Sri Thakur Sah, R/o Village- Harpurwa, Rampur New
Tola, P.S.- Jogapatti, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30 (d), 35 and 41 of Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that 49300 litres of
spirit is said to have been recovered from two tankers and one
tractor trailer.

It has been submitted on behalf of the petitioner that the
petitioners have got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioners. The
name of the petitioners has come on the basis of confessional
statement of co-accused, before police, as per F.I.R. Except for
this, there is no other substantive evidence to suggest the
implication of the petitioner in this case. It is alleged that 49300



litres of spirit is recovered from two tankers and one tractor trailer, standing near R.K. Petrol Pump. The petitioner is not named in the F.I.R. His name has come in course of investigation. 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. The other co-accused has been granted anticipatory bail vide Cr. Misc. No. 61478/2017 dated 15.12.2017.

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 petitioners 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 Bettiah Muffasil P.S. case No.360/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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