

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17467 of 2018

Arising Out of PS.Case No. -349 Year- 2017 Thana -KRITYANAND NAGAR District- PURNIA

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Ram Prasad Sah, S/o Sri Genu Sah, R/o Village- Deyari Shah Tola, P.S.-
Garbainally, District- Purnia.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rama Nand Poddar, Advocate.

For the Opposite Party : Mr. Manish Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2018 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 Sections 272, 273 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 7.500
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 2.500 liters wine is recovered from the



Motorcycle in question and 5 liters wine is recovered from the house of co-accused Maramai Devi. The petitioner is alleged to be the owner of the Motorcycle. The said Motorcycle was given by the petitioner to a co-villager for his personal use. The said Motorcycle was parked in front of the house of co-accused Maramai Devi from where liquor is alleged to have been recovered. 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 3rd Additional Sessions Judge, Purnia-cum-Special Judge (Excise), Purnia, in Special Excise Case No. 1060 of 2017 in connection with K. Nagar (Champa Nagar) P.S. Case No. 349 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)

