

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47507 of 2018

Arising Out of PS. Case No.-146 Year-2018 Thana- ROSERA District- Samastipur

Arvind Sahni S/o Prabhu Sahni, R/o Vill.- Ward No. 5, Deodha, P.S.-
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 38 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 363.600 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is alleged to have been identified by the police party. The petitioner is not known to the police party nor the police party known to the petitioner. Hence, the identification made by the police party is itself doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that



363.600 liters wine is recovered from a motorcycle and a pick up van
None of the vehicles in question belongs 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 Additional Sessions Judge VIth-cum-Special
Judge, Excise, Samastipur in connection with Rosera P.S. case
No.146 of 2018, 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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