

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60310 of 2018

Arising Out of PS. Case No.-217 Year-2018 Thana- BASANTPUR District- Siwan

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Kamlesh Sahani son of Bhola Sahani @ Shivbhola Sahani, resident of
Village- Barwa Kala, Police Station- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Sheela Pandey

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 46.89 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 as the recovery is made from the open field situated at the back of the house of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 46.89 liters wine is recovered from open field situated at the back of the house of the petitioner. The open field 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 Additional Sessions Judge -II-cum- Special Judge, Excise, Siwan in connection with Basantpur P.S. Case No. 217 of 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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