

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16029 of 2018

Arising Out of PS,Case No. -136 Year- 2017 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

Kamlesh Sah, S/o late Mahesh Sah, R/o Village and Post Bhurkurwa, P.S.-
Rajepur, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate.

For the Opposite Party : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-03-2018 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 10.05
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 total 10.05 liters wine is recovered. Out of
which, 3.750 liters wine is recovered from joint house of the
petitioner as per seizure list. The name of the petitioner has come



on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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. Other co-accused has been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 5057 of 2018 dated 02.02.2018.

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 Special Judge, Excise, Motihari, in connection with Rajepur P.S. Case No. 136 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)