

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16755 of 2018

Arising Out of PS.Case No. -9 Year- 2018 Thana -HASANPUR District- SAMASTIPUR

- =====
1. Phool Kumar Sahni @ Phulo Sahni S/o Ram Badan Sahni R/o Village-Paroriya, Police Station- Hasanpur, District Samastipur.
 2. Tuntun Sahni@ Tuntann Sahni S/o Sanichar Sahni R/o Village-Dudhpura, Police Station- Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-03-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending their arrest in a case registered under Sections-30(a) and 38 (i)(ii) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 7.35 liters wine is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the co-accused Gajendra Sahani. Except for this, there is



no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 7.35 liters wine is recovered from two different cars. None of the cars belongs to the petitioners. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur in connection with Hasanpur P.S. Case No. 09 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

U		T	
---	--	---	--

