

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.40907 of 2018**

Arising Out of PS.Case No. -301 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-  
SAHARSA

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Shekhar Sah, Son of Late Madan Narayan Sah, Resident of Village-  
Marufganj, Ward No. 20, P.S. Saharsa, District- Saharsa.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Abhishek Kumar, Advocate.

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      16-07-2018      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 Section 30(a) of the Bihar Prohibition  
and Excise Act, 2016.

The prosecution story, in brief, is that total 4.6 liters  
wine is said to have been recovered.

It has been submitted by learned counsel for the  
petitioner that the petitioner has falsely been implicated in the  
present case. There is no allegation of tampering with the  
witnesses alleged against the petitioner. It is alleged that total 4.6  
liters wine is recovered from the field in question. The name of the  
petitioner has come as the alleged recovery is said to have been  
made from the field situated at the back of cycle repairing shop of



the petitioner. 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 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Saharsa, in connection with Special Case No. 301 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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**(Sudhir Singh, J)**

