

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59095 of 2018

Arising Out of PS. Case No.-551 Year-2018 Thana- SAHARSA District- Saharsa

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1. Bittu Sah, S/o Radheshyam Sah,
 2. Radheshyam Sah @ Radhe Sah, S/o Late Rajendra Sah, All are resident of Village- Mohalla Gandhi Path, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Sri Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 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), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 167.7 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 as the alleged recovery is made from the joint houses of the petitioners where the other family members also reside. Except for this,



there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 167.7 liters wine is recovered from the joint houses of 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./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 Judge-II- Special Judge, Excise Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 551 of 2018, Special Excise Case No. 257/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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