

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67207 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- DALSINGHSARAI District- Samastipur

Prem Kumar Sah @ Prem Sah @ Nepal Sah @ Nepali Sah, Son of Baleshwar Sah, Resident of Village- Baikunthpur, Brhando, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-11-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38(1), 38(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 11.5 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Dilip Kumar Rai. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 11.5 liters wine is recovered by the side of the road situated near the petrol pump. 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 6th Additional Sessions Judge, Samastipur in connection with Dalsingsarai P.S. Case No. 11/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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