

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24890 of 2018**

Arising Out of PS. Case No.-523 Year-2017 Thana- SIWAN MUFFASIL District- Siwan

Ashok Sah S/o Brija Sah, R/o Vill.- Gopalpur, P.S.- Siwan (Muffasil),  
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. S. Ehteshamuddin

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

3      14-05-2018                      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 323, 353, 224, 225 of the Indian Penal Code and Sections 30(a), 45 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4 liters wine is recovered. Further allegation is obstructing the police in discharge of their duty.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the female family members of the petitioner and others had tried to rescue the co-accused who were being apprehended by the Police for committing an offence under



this Act. There is no allegation against the petitioner. The allegation is made against the female members of the house. It is alleged that 4 liters wine is recovered from the mobile repairing shop. The shop in question does not belong to the petitioner. 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 A.D.J.-II-cum- Special Judge, Excise, Siwan in connection with Siwan (Muffasil) P.S. Case No. 523 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

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