

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21722 of 2018

Arising Out of PS.Case No. -1123 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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Naga Sah, Son of Dashrath Sah, R/o Village- Punaura, P.S.- Sitamarhi,
District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-04-2018 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 Sections 272, 273 of the IPC and
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 1554.150
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
1554.150 liters wine is recovered from co-accused Fekan Sah. The
name of the petitioner has come on the basis of identification
made by the informant. The time of occurrence is said to be at
6.00 P.M. in the evening in the month of December. The source of



identification has not been disclosed by the prosecution. The petitioner is not acquainted with the informant nor the informant is acquainted with the petitioner. Hence, identification itself is doubtful. 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 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Sitamarhi, in connection with Sitamarhi (Punaura O.P.) P.S. Case No 1123 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)