

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12751 of 2018

Arising Out of PS. Case No.-828 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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Kishu Sah @ Kishun Kumar S/o Mahabir Prasad, R/o Mohalla- Loharpatti
Hindri (Henri) Bazar, P.S.- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
For the Opposite Party/s : Mr. SAKIR AHMAD

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 7.5 liters wine is recovered.

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 Bajrangi. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 7.5 liters wine is recovered from cow shed of



co-accused Bajrangi. 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.

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 7th Additional Sessions Judge, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 828 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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