

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39757 of 2018

Arising Out of PS.Case No. -183 Year- 2017 Thana -KALYANPUR District- SAMASTIPUR

=====

Kailash Sahni @ Lamboo, S/o Raju Shani, R/o Vill.- Simariya, Kalyanpur,
P.S.- Kalyanpur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Pramod Kuamr Singh and Mr.
Awadhesh Kumar Singh, Advocates.

For the Opposite Party : Mr. Bharat Bhushan, APP 156

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2018 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
and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 631 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 631
liters wine is recovered from the Mango Orchard. The Mango
Orchard does not belong to the petitioner. The name of the
petitioner has come on the basis of disclosure made by the local



Chowkidar as per the F.I.R. 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 3rd Additional Sessions Judge-cum-Special Judge, Excise Act, Samastipur, District-Samastipur, in connection with Kalyanpur P.S. Case No. 183 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

U		T	
---	--	---	--

