

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40647 of 2018

Arising Out of PS.Case No. -183 Year- 2018 Thana -MOTIPUR District- MUZAFFARPUR

Sanjay Sahani @ Sanjay Kumar, S/o Nagendra Sahani, R/o Vill.- Vill.-
Mahamadpur, P.S.- Motipur, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.

For the Opposite Party : Smt. Pushpa Sinha, APP 121

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 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(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 88.200
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 88.200 liters wine is recovered from
Straw House situated in open field of co-accused Yogendra Singh
@ Yogendra Pd. Singh @ Yogendra Prasad Singh. The name of
the petitioner has come on the basis of disclosure made by the co-



accused Vishal Kumar @ Vishal Singh. 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. Other co-accused has been granted bail by this Court vide Cr. Misc. No. 24046 of 2018 dated 26.04.2018.

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 Special Judge, Excise Act, Muzaffarpur, in connection with Motipur P.S. Case No. 183 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./Abhijeet-

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