

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3947 of 2019

Arising Out of PS. Case No.-309 Year-2018 Thana- BALIYA District- Begusarai

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Sohan Singh, aged about 50 years (M), Son of Late Kailash Singh, Resident of Village - Vabhan Tola, P.S.- Ballia, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Binod Kumar, Advocate.
For the Opposite Party : Mr.Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-01-2019 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 30(a) and 37(A) (C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 3.33 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 3.33 liters wine is recovered from the cattle shed in question. The name of the petitioner has come in the present case as the alleged recovery



made from the cattle shed belongs to joint family of the petitioner. 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Begusarai, in connection with Ballia P.S. Case No. 309 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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