

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3916 of 2019

Arising Out of PS. Case No.-385 Year-2016 Thana- SARAIYA District- Muzaffarpur

Naresh Sahni, aged about 45 years, Sex-Male, Son of Bachchu Sahni, resident of village- Mungrahiya, P.S- Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P.

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 272, 273, 420, 120(B) of the IPC, 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 4338 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 4338 liters wine is recovered from the container. The said container in question



does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused Sandeep Kumar. 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 Special Judge, Excise Act, Muzaffarpur, in connection with Saraiya P.S. Case No. 385 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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