

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5216 of 2019

Arising Out of PS. Case No.-383 Year-2018 Thana- CHANPATIA District- West Champaran

Shanti Mahendra Sah @ Mahendra Kumar Sah @ Mahendra Sah Son of Mahesh Sah Resident of Village - Turhapatti, Lala Tola, P.S. Chanpatiya (Sirisiya O.P.) District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section-414 of the Indian Penal Code and Section-30A/30B of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the alleged recovery is said to have been made from an open field situated by back side of house of the petitioner. Except for this,



there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 8 liters wine is recovered from an open field situated at the back of house of the petitioner. 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 Special Judge, Excise, Bettiah, West Champaran in connection with Chanpatia (Sirisiya O.P.) P.S. Case No. 383 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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