

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13143 of 2019**

Arising Out of PS. Case No.-298 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gopalganj

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MARKANDE SAH, aged about 41 Years, Male, Son of Bindeshwari Sah, R/o  
village- Phulwariya, Ward No. 12, P.S.- Phulwariya, Dist.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr.Ranjeet Kumar Pandey, Advocate.  
For the Opposite Party : Mr.Ramesh Chandra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      06-03-2019                      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 Section 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 2.200 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 2.200 liters wine is  
recovered from abandoned shop in question. The name of the



petitioner has come in the present case on the basis of alleged recovery made from abandoned shop belongs to 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 A.D.J.-II-cum-Special Judge, Excise, Gopalganj, in connection with Excise Case No. 298 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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