

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9906 of 2019

Arising Out of PS. Case No.-146 Year-2018 Thana- NAUHATTA District- Saharsa

Israil @ Md. Israil Son of Late Islam Resident of Village-Nauhatta Ward No. 9, P.S.- Nauhatta, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections-30(a), 38(1), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 63 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 joint house of the petitioner where other family members also reside. Except for this, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 63 liters wine is recovered from joint 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Saharsa in connection with Nauhatta P.S. Case No. 146 of 2018, Special (Excise) Case No. 478 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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