

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9426 of 2019**

Arising Out of PS. Case No.-153 Year-2018 Thana- NAUHATTA District- Saharsa

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Chandan Singh @ Chandan Kumar Singh, aged about 32 Years (Male), Son of Hira Kunwar, Resident of Village - Brahmpur, P.S. and District- Supaul, at present Baligao Chatara, P.S. Nauhata, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr.Ajay Kr Singh No.1, Advocate.  
For the Opposite Party : Mr.Md. Fahimuddin, A.P.P.

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

2      19-02-2019                      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), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 44 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 44 liters wine is recovered from Flour Mill belongs to joint family of the petitioner. The name of the petitioner has come in the present



case on the basis of alleged recovery made from Flour Mill 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 Special Judge, Excise Act, Saharsa, in connection with Nauhatta P.S. Case No. 153 of 2018, Special (Excise) Case No. 516 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

**(Sudhir Singh, J)**

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