

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79527 of 2018

Arising Out of PS. Case No.-309 Year-2018 Thana- DURGAWATI District- Bhabhua
(Kaimur)

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Dadan Sharma, S/o Ram Chandra Sharma, R/vill-Badayoga, P.S-Nokha,
Distt.-Rohtas at Sasaram at present R/o-Takiya Bazar, Ward No.1, P.S-
Sasaram, Distt.-Rohtas at Sasaram.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Tribhuwan Narayan, Advocate.
For the Opposite Party : Mr. Satyadev Prasad Singh Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-02-2019 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 and 41 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 656.64
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 656.64 liters wine is
recovered from the Magic vehicle in question. The name of the
petitioner has come on the basis of seized said vehicle. The



petitioner is alleged to be owner of the said vehicle. The said vehicle is run as a Taxi by the driver 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), Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 309 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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