

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39095 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Muzaffarpur

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RAHUL KUMAR SAHANI @ RAHUL KUMAR Son of Late Nathuni  
Sahani Resident of Village - Harpur Lahauri, P.S.- Ahiyapur, District -  
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Anjana, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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

2      21-10-2021                      Heard learned counsel for the petitioner and learned  
APP for the State.

Counsel for the petitioner is directed to remove the  
defect(s), as pointed out by the office, within a period of eight  
weeks.

The petitioner is apprehending his arrest in connection  
with Excise case No.287/2020 arising out of P.R. No.71/2020  
registered under Sections 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution case, in short, is that 10 liters wine is  
recovered.

It has been submitted on behalf of the petitioner that  
the petitioner has got no criminal antecedent and there is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 10 liters wine is recovered. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Excise case No.287/2020 arising out of P.R. No.71/2020, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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