

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39970 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Muzaffarpur

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SURESH SAHANI S/o Laganu Sahani Resident of Village- Harser, P.S.-  
Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Nityanand

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

2      22-10-2021                      Heard learned counsel for the petitioner and the State  
through virtual mode.

Learned 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 Excise Case  
No. 40 of 2021 arising out of P.R. Case No. 82 of 2020-21 registered  
for the offence under Section-30(a) of the Bihar Prohibition and  
Excise Act.

The prosecution case, in short, is that 70 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 petitioner  
has been falsely implicated in the present case. It is alleged that 70  
liters wine is recovered from bank of the river. The name of the



petitioner has transpired in this case on the basis of disclosure made by local chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present 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.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/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. 40 of 2021 arising out of P.R. Case No. 82 of 2020-21, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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