

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43586 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- GAIGHAT District- Muzaffarpur

PAWAN SAH S/o Dev Narayan Sah R/o village- Hanuman Nagar, Benibad
O.P., P.S.- Gaighat, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2021 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.

Supplementary affidavit is filed on behalf of the
petitioner. The same be kept on record.

The petitioner is apprehending his arrest in Gaighat
P.S. Case No. 18 of 2021 registered for the offence under
Sections-272, 273, 414/34 of the Indian Penal Code and
Section-30(a) & 41 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The prosecution case, in short, is that 1036.440 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 1036.440 liters wine is recovered from a truck. The petitioner is not owner of the truck in question. The name of the petitioner has transpired in this case on the basis of disclosure made by local residents. 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 Gaighat P.S. Case No. 18 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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