

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57734 of 2017

Arising Out of PS.Case No. -269 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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Ram Pukar Yadav S/o Rajendra Yadav, R/o Village- Rafipur, P.S.-
Hussainganj, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
25.09.2017 in a case for the offence registered under Sections 272,
273, 308 of the IPC and 41(i), 30, 36 and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 86.400 liters
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. Charge sheet has been submitted in the present case.
There is no allegation of tampering with the witnesses alleged
against the petitioner. It is alleged that 86.400 liters wine is



recovered from a Bolero. The name of the petitioner has come on the basis of secret information as per the F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. 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, let the petitioner above named, be released on 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 Additional District and Sessions Judge-II-cum-Special Judge (Excise), Siwan, in connection with Hussainganj P.S. Case No. 269 of 2017.

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(Sudhir Singh, J)

