

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58929 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
SASARAM (ROHTAS)

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1. Balbant Singh Yadav @ Balwant Kumar, Son of Vimlesh Singh Yadav
@ Vimlesh Yadav @ Vimlesh Singh, Resident of Village- Bahrar, P.S.-
Sasaram (M), District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in a case
instituted under Sections 30(a) and (d) of Bihar Prohibition and
Excise Act.

The prosecution story, in brief, is that 50 litres of liquor
along with 50 Kg of Mahua flower and 2250 Kg of Jawa Mahua
is said to have been 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 name
of the petitioner has come on the basis of secret information as
per the complaint. 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 50 litres of liquor, 50 Kg of Mahua flower and 2250 Kg of Jawa Mahua is recovered by the side of a canal in an abandoned stage. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the complaint.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Excise Case No.37/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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