

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60184 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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1. Ajay Yadav, Son of Garib Yadav, Resident of Village- Samaul, Ward No.14, Forbesganj, P.S.- Forbesganj, Dist- Araria.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2017 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 of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 18.6 litres of wine is said to have been recovered from co-accused Sintu Kumar Yadav.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the basis of confessional statement of co-accused made before police as per F.I.R. Except for this, there is no other substantive evidence to



suggest the implication of the petitioner in this case. It is alleged that 18.6 litres of wine is recovered from co-accused Sintu Kumar Yadav. 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 has been 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 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 Forbesganj P.S. Case No. 155/2017 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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