

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60268 of 2017

Arising Out of PS.Case No. -101 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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1. Suday Yadav, S/o Badri Yadav, Resident of Village- Ibrahimpur, P.S. Kutumba, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Upendra Kumar

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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(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 36 litres of wine is recovered from a motorcycle.

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 in course of investigation being an owner of the seized motorcycle. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 36 litres of wine is recovered from a



motorcycle, which was being used by the son of the petitioner at the relevant time. 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 not 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 Kutumba P.S. Case No. 101/2017 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-VII-cum Special Judge (Excise Act), Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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