

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61934 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -DHIBRA District- AURANGABAD

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Amrendra Kumar Yadav, Son of Ramchandra Yadav, resident of Village-
Van Manjhauli, P.S.- Dhibra, District- Aurangabad..... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Leelawati Kumari, Advocate.

For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 80 liters
Mahua wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. The petitioner is not named in the F.I.R. It is alleged that 80
liters wine is recovered from Aatamdev Kumar @ Uttam Kumar
and Manish Kumar Yadav alongwith Motorcycle of the petitioner.
The petitioner is said to be the owner of the Motorcycle which was
given by the petitioner to co-accused Aatamdev Kumar @ Uttam



Kumar and Manish Kumar Yadav. 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. 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.

There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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 Sessions Judge, VII-cum-Special Judge, Aurangabad, in connection with Dhibra P.S. Case No. 15 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

