

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57449 of 2017

Arising Out of PS. Case No.-609 Year-2017 Thana- KHAGARIA District- Khagaria

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Bako Yadav @ Ramashish Yadav @ Ramashish Kumar @ Wako Yadav Son
of Kamleshwary Yadav @ Kamleshwary Prasad Yadav, R/o Village- Chandan
Nagar (Rako), P.S.- Khagaria (Muffasil), District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. ABHAY KUMAR ROY

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is apprehending his arrest in a case
registered under Sections 30(a), 44 of the Bihar Prohibition and
Excise Act, 2016.

Allegation is that 16.5 liters wine is 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 confessional
statement of co-accused Nitish Kumar 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 16.5 liters wine is recovered from co-accused Nitish Kumar. 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, in the event of arrest/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 learned Additional Sessions Judge III-cum-Special Judge, Excise Act, Khagaria in connection with Khagaria (Muffasil) P.S. case No.609 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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