

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58449 of 2017

Arising Out of PS.Case No. -261 Year- 2017 Thana -MALSALAMI District- PATNA

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1. Raju Yadav @ Raju Rai, S/o Late Yadunandan Yadav, R/o Adara Ghat,
P.S.- Malsalami, Distt- Patna.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Opposite Party/s : Mr. Ashok Kumar 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 272, 273, 34 of the Indian Penal Code
and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 386 litres of wine
is said to have been recovered.

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
secret information as per F.I.R. 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 386 litres of wine is recovered by the side of a river. 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 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 Malsalami P.S. Case No. 261/2017, Spl. Case No.6692/2017 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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