

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58390 of 2017

Arising Out of PS.Case No. -221 Year- 2017 Thana -DULHIN BAZAR District- PATNA

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1. Sunil Yadav, Son of Kapil Yadav @ Kapildeo Yadav, resident of
Village- Rikhai Tola, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Satyendra Narayan 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 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 243 litres of
liquor is said to have been 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 secret information 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 243 litres of liquor is recovered from the abandoned house of one Jalim Yadav. The petitioner has got no concern with the house in question. 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 Special Case No. 6193 of 2017, arising out of Dulhin Bazar P.S. Case No.221 of 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 Act), 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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