

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61123 of 2017

Arising Out of PS. Case No.-212 Year-2013 Thana- GAYA MUFFSIL District- Gaya

Pintu Yadav, Son of Late Ramdeo Yadav, Resident of Village- Maniara, P.S.-
Mufassil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin
For the Opposite Party/s : SMT PUSHPA SINHA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Section 47(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40 liters Mahua wine is recovered from a Bhatti.

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 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 40



liters Mahua wine is recovered from a Bhatti. The said Bhatti does not belong to the petitioner. It is further submitted on behalf of the petitioner that as per F.I.R. the recovery is being made from the petitioner but as per seizure list the recovery is being made from Mantu Yadav. Admittedly there is a contradiction between the F.I.R. and seizure list. 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 Spl. Judge, (Excise), Gaya in connection with Mufassil P.S. case No.212 of 2013 (G.R. No.1711 of 2013), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

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(Sudhir Singh, J)

