

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10436 of 2018

Arising Out of PS. Case No.-1158 Year-2017 Thana- SAHARSA District- Saharsa

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Birendra Yadav @ Dhiren Yadav @ Biren Yadav S/o Ramdhin Yadav, R/o
Village- Diwari Sonbarsa Kachahari, P.S.- Saharsa (Sonbarsa Kachahari),
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : SMT SANGEETA SHARMA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 30(a), 38(i), 41(i) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 1183.32 liters wine
is recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 01.01.2018 and has got no
criminal antecedent. Charge-sheet/prosecution report has been
submitted in this case. There is no allegation of tampering of
witnesses alleged against the petitioner. It is alleged that
1183.32 liters wine is recovered from the truck/tempo in



question. The petitioner has not been not apprehended on the spot. The name of the petitioner has been transpired on the disclosure made by the co-accused namely Sanjeev Kumar, Chintu Kumar and Shankar 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/complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on 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-II-cum- Special Judge, Excise Act, Saharsa in connection with Saharsa Sadar (Sonbarsa Kachahari) P.S. Case No. 1158/2017, Special Case No. 517/2017.

(Sudhir Singh, J)

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