

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4529 of 2018

Arising Out of PS.Case No. -209 Year- 2017 Thana -ARA MUFFSIL District- BHOJPUR

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Hari Kishun Yadav, S/o Lalan Yadav, R/o Village- Baluan, P.S.- Ara
Muffasil, District- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Mishra, Advocate.

For the Opposite Party : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
08.11.2017 in a case for the offence registered under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 86.25
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet/prosecution report has been submitted in this case.
There is no allegation of tampering with the witnesses alleged
against the petitioner. The petitioner has falsely been implicated in
the present case. It is alleged that total 86.25 liters wine is



recovered from the joint house of the petitioner. The name of the petitioner has come on the basis of the alleged recovery made from the joint house of the petitioner where other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the liquor kept in the house. 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, let 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 the learned Additional District & Sessions Judge, Bhojpur at Ara, in connection with Excise Case No. 5450 of 2017 (Ara Muffasil P.S. Case No. 209 of 2017).

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(Sudhir Singh, J)

