

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9503 of 2018

Arising Out of PS. Case No.-123 Year-2017 Thana- GAMAHARIYA District- Madhepura

Shankar Yadav, s/o- Deep Narayan Yadav, r/o- Jiwachpur, Tulsi Tola, P.s.-
Gamhariya, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma
For the Opposite Party/s : Mr. ATUL CHANDRA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2018 Petitioner is permitted to make necessary correction in
paragraph 11 of the main application in course of the day.

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 25(1-B)A, 26 and 35 of the Arms Act
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 88 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 17.11.2017 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. The name of the



petitioner has transpired on the basis of disclosure made by the co-accused. The petitioner was not apprehended on the spot. It is alleged that 88 liters wine is recovered from two different places i.e. the car parked in front of the house and from the joint house of the petitioner. It is further alleged that one country made loaded pistol was also recovered. 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 District & Sessions Judge-III, Madhepura-cum-Special Judge, Excise Act, Madhepura in connection with Gamhariya P.S. Case No. 123 of 2017.

(Sudhir Singh, J)

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