

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6638 of 2018

Arising Out of PS. Case No.-79 Year-2017 Thana- HARLAKHI District- Madhubani

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Pramod Yadav S/o Babji Yadav, R/o Village- Hurrahi, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr.UDAY CHAND PRASAD

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2018 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 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 36 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.09.2017. 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-accuseds namely Badri Sahni, Md. Sakil and Indu Devi. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. The petitioner has not been apprehended on the spot. It is alleged that 36 liters wine is recovered from the co-accuseds namely Badri Sahni, Md. Sakil and Indu Devi. 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, Madhubani in connection with Harlakhi P.S. Case No. 79 of 2017 (G.R. No. 451 of 2017).

(Sudhir Singh, J)

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