

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50136 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- DURAULI District- Siwan

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Mritunjay Yadav S/o Ram Bahadur Yadav resident of village - Jaijor Balua,
P.S. Andar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 379 and 411 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 70.560 liters wine is recovered.

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 transpired as being owner of the vehicle in question. The said vehicle is run as taxi by the driver of the petitioner. Petitioner had no knowledge



regarding the nature of goods kept in the vehicle. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 70.560 liters wine is recovered from the vehicle in question. 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, 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 Additional District & Sessions Judge -II-cum- Special Judge, Excise, Siwan in connection with Darauli P.S. Case No. 104/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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