

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52335 of 2018

Arising Out of PS.Case No. -60 Year- 2018 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

=====

1. Dipu Yadav S/o Rajballabh Yadav @ Raj Valam Prasad, R/o Vill.- Bhatu Bigha, P.S.- Tharthari, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30A, 38 & 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1783 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 come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no



other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1783 liters wine is recovered from an open field. The open field in question does not belong to the petitioner. 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.

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 6th Additional District & Sessions Judge-cum-Special Judge, Excise, Nalanda at Bihar Sharif in connection with Tharthari P.S. Case No. 60 of 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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