IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13338 of 2018

Arising Out of PS. Case No.-191 Year-2017 Thana- PAKARIBARAW District- Nawada

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Chhotu Yadav @ Chhotu Kumar, Son of Sahav Yadav, Resident of Village-Kachna, Police Station- Pakribarawan in the district of Nawada.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Navin Sharma
For the Opposite Party/s : SMT. MEENA SINGH

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 40 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 on the basis of disclosure made by the co-accused namely Ajay Kumar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 40

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liters wine is recovered from the co-accused namely Ajay Kumar. 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Nawada in connection with Pakribarawan P.S. Case No. 191 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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