

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7751 of 2018

Arising Out of PS.Case No. -234 Year- 2017 Thana -HASPURA District- AURANGABAD

- =====
1. Mohan Yadav, S/o Late Mathura Yadav,
 2. Awadhesh Yadav S/o Mohan Yadav, Both R/o Village- Tankupi, P.S.- Haspura, District- Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajit Ranjan Kumar, Advocate.

For the Opposite Party : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Section 33 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 630 liters
spirit is said to have been recovered.

It has been submitted by learned counsel for the
petitioners that the petitioners have got no criminal antecedent.
There is no allegation of tampering with the witnesses alleged
against the petitioners. The petitioners have falsely been
implicated in the present case. It is alleged that total 630 liters



spirit is recovered from the vehicle which was parked on the land of co-villager Ram Chandra Yadav. The vehicle in question does not belong to the petitioners. The name of the petitioners has come on the basis of disclosure made by the co-villager Ram Chandra Yadav. The said Ram Chandra Yadav has named the petitioners with an intention to save his skin. The petitioners have got no concern with the alleged incident. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, in connection with Haspura P.S. Case No. 234 of 2017, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

