

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20845 of 2018

Arising Out of PS. Case No.-154 Year-2017 Thana- GORIAKOTHI District- Siwan

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Dharmendra Yadav S/o Umashankar Yadav, R/o Nahaka, Vyasaganar, Near Shiv Temple, Jajapur Road, Jajpur, P.S.- Jajpur, in the District of Jajpur (Odisha).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273, 308 of the Indian Penal Code and Sections 30(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 379.44 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 he is alleged to be owner of the truck in question. The said truck in question is run as public carrier by the driver of the petitioner .



The petitioner had no knowledge regarding the nature of goods booked by the transporter. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 379.44 liters wine is recovered from the truck 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 A.D.J.-II-cum-Special Judge, Excise, Siwan in connection with Goriakothi P.S. Case No. 154 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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