

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2526 of 2018

Arising Out of PS.Case No. -694 Year- 2017 Thana -SHERGHATI District- GAYA

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Birendra Kumar @ Birendra Yadav S/o Raj Kumar Yadav, R/o Village-
Karmauni, P.S.- Dobhi, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.

For the Opposite Party : Smt. Asha Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The prosecution story, in brief, is that total 320 Kg.
Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 320 Kg. Mahua Flower is recovered
from the Maruti Van in question. The vehicle in question does not



belong to the petitioner. The Mahua Flower does not come within the meaning of intoxicant fit for human consumption. The name of the petitioner has come on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 694 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)