

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23115 of 2018

Arising Out of PS. Case No.-820 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

Gorakh Yadav, Son of Nirmal Yadav @ Nirmal Singh, Resident of Village-
Dahiyad, Police Station- Sasaram (M), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 Supplementary affidavit has been filed on behalf of the
petitioner Same be kept on the record.

In the light of the statement made in the supplementary
affidavit, counsel for the petitioner is permitted to make
necessary correction in paragraph 3 of the main petition in
course of the day.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a), 34 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 5 liters wine is
recovered.

It has been submitted on behalf of the petitioner that 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 5 liters wine is recovered from the bank of the river. 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. Co-accused has been granted anticipatory bail vide Annexure-2 to the supplementary affidavit.

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 IIInd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Sasaram (M) P.S. case No.820 of



2017, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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