

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25857 of 2018

Arising Out of PS.Case No. -305 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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Dimpal Yadav @ Dimpal Kumar Yadav, S/o Shri Umesh Yadav, R/o Vill.-
Dahabari, P.S.- Ander, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.

For the State : Mr. Umeshnand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-04-2018 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 Sections 413, 414, 420 of the Indian
Penal Code, 30, 36, 38 and 41(i) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 900 ML
wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total 900
ML wine is recovered from the Motorcycle in question. The



Motorcycle in question does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused Sonu Yadav. 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/ Complaint Case.

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 Additional Sessions Judge-2nd-cum-Special Judge, Excise, Siwan, in connection with Hussainganj Police Station Case No. 305 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)