

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24100 of 2018

Arising Out of PS.Case No. -271 Year- 2017 Thana -MUNGER MUFFASIL District- MUNGER

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1. Santu Yadav, son of Satto Yadav @ Satya Narayan Yadav, resident of Shankarpur, P.S. Muffasil, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections-30 & 32 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30.75 litres wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses against the petitioner. The name of the petitioner has transpired in this case as he has been identified as one of the miscreants by the informant. It has been submitted on behalf of the petitioner that the petitioner is not acquainted with the informant nor the informant is acquainted with the petitioner. Hence the identification made by the informant



itself is doubtful. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 30.75 liters wine is recovered from the drain. 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/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 Special Judge, Excise, Munger in connection with Muffasil P.S. Case No. 271 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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