

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.29249 of 2018**

Arising Out of PS.Case No. -328 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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Kamlesh Yadav, Son of Velash Chaudhary @ Velash Yadav, Resident of  
Village- Hanuman Mandir, Mohaddipur, Police Station- Siwan Muffasil,  
District- Siwan.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Bijay Prakash Singh, Advocate.

For the State : Mr. Mukeshwar Dayal, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      10-05-2018      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 272, 273, 420, 308 of the  
I.P.C, 41(1) and 37(B) of the Bihar Prohibition and Excise Act,  
2016.

The prosecution story, in brief, is that total 11.700  
liters 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  
11.700 liters wine is recovered. Out of which, 4.320 liters wine is



said to have been recovered from open field which is situated by the side of house of the petitioner. The name of the petitioner has come on the basis of alleged recovery made from open field which is situated by the side of house of the petitioner. 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 2<sup>nd</sup> Additional Sessions Judge, Siwan, in connection with Siwan Muffasil Police Station Case No. 328 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)**