

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30257 of 2018

Arising Out of PS. Case No.-728 Year-2017 Thana- DEHRI TOWN District- Rohtas

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Kail Yadav @ Kallu Yadav, S/o Sri Khalifa Yadav @ Khalifa Singh,
Permanent resident of Village- Kaithi, P.S.- Bagen, District- Buxar. at present
resident of Naga Path, Pali Road, P.S.- Dehri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sectiond 30(a), 38(i)(ii) and 41(i)(ii) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 300 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 transpired on the
basis of disclosure made by the co-accused namely Munna
Kumar. Except for this, there is no other substantive evidence
to suggest the implication of the petitioner in this case. It is



alleged that 300 liters wine is recovered from the shop of Munna Kumar. 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/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 Additional Sessions Judge -II-cum- Special Judge, Excise, Rohtas at Sasaram in connection with Dehri (Town) P.S. Case No. 728 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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