

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41847 of 2018**

Arising Out of PS. Case No.-146 Year-2017 Thana- MAIRWA District- Siwan

Surendra Yadav son of Late Ram Vilash Yadav, resident of Village- Mishrauli,  
Police Station- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh  
For the Opposite Party/s : Mr. Sri Ajit Kumar

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

2      16-07-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273, 308, 34 of the Indian Penal Code and Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 183.9 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 as the abandoned brick kiln from which is recovery is made belongs to the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case.



It is alleged that 183.9 liters wine is recovered from the abandoned brick kiln in question. 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 2<sup>nd</sup> Additional Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Mairwa P.S. Case No. 146 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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