

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.462 of 2018

Arising Out of PS.Case No. -253 Year- 2017 Thana -ATRI District- GAYA

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1. Avalesh Yadav S/o Arjun Yadav.
2. Rajendra Yadav @ Rajendra Mahto, S/o Brahmadeo Yadav,
3. Krishna Yadav, S/o Rupelal Yadav, Both resident of Village- Phul Bigha,
P.S.- Atri, District- Gaya.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 30(a)(d) of Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that total 20 litres of
Mahua liquor is said to have been recovered.

It has been submitted on behalf of the petitioners that
the petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioners. The name of the petitioners has come on the basis of
disclosure made by the local chowkidar, as per F.I.R. Except for
this, there is no other substantive evidence to suggest the
implication of the petitioners in this case. It is alleged that 20
litres of Mahua liquor is recovered. Nothing incriminating has



been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of section 100 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Atri P.S. Case No.253/2017, on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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