

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1511 of 2018

Arising Out of PS.Case No. -327 Year- 2017 Thana -NABINAGAR District- AURANGABAD

=====

1. Jagnarayan Yadav, Son of Shikeshwar Yadav, Resident of village-
Babhandiha, P.S.- Nabinagar, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 30A and 38 of Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that 6.2 litres of
liquor is said to have been recovered from a motorcycle in
question.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The name
of the petitioner has come on the basis of disclosure made by co-
accused, as per F.I.R. Except for this, there is no other substantive



evidence to suggest the implication of the petitioner in this case. It is alleged that 6.200 litres of liquor is recovered from a motorcycle in question. The motorcycle in question was being used by the son of petitioner. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner 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 Nabinagar P.S. Case No.327/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Amit/-

U		T	
---	--	---	--

