

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47323 of 2018

Arising Out of PS.Case No. -504 Year- 2018 Thana -MADHEPURA District- MADHEPURA

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Santosh Yadav, son of Late Bhumi Yadav, resident of Village- Jiwachhpur,
Ward No.- 7, P.S.- Madhepura (Bharrahi), District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Singh, Advocate.

For the Opposite Party : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 02-08-2018 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution story, in brief, is that total 43.125
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
43.125 liters wine is recovered from the Truck in question. The
Truck in question does not belong to the petitioner. The name of



the petitioner has come in the present case on the basis of disclosure made by co-accused Nikhil Kumar. 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 Additional Sessions Judge-2nd-cum-Special Judge, Excise Act, Madhepura, in connection with Madhepura P.S. Case No. 504 of 2018, arising Excise Case No. 386 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)