

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49083 of 2018**

Arising Out of PS. Case No.-164 Year-2017 Thana- SISWAN District- Siwan

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Ajay Yadav S/o Hari Nath Yadav R/o Vill - Raghunathpur, P.S.Raghunathpur,  
District Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

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

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

2      09-08-2018                      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 and 34 of the Indian Penal Code and Sections 30(A) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 34.400 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 Sudama Pandey. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged



that 34.400 liters wine is recovered from the two motorcycles in question. None of the vehicles in question belong to the 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 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 District & Sessions Judge -II-cum- Special Judge, Excise, Siwan in connection with Siswan P.S. Case No. 164 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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