

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52119 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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Balo Yadav S/o Bucho Yadav @ Bachchu Yadav, R/o Vill.- Sihma Pathala
Tol, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 420, 467, 468, 414, 120B, 34 of the Indian Penal Code and Sections 30(a), 32, 27 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4208.4 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 come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication



of the petitioner in this case. It is alleged that 4208.4 liters wine is recovered from the truck in question. The truck in question does not 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. Other co-accuseds have been granted anticipatory bail vide order dated 16.07.2018 passed in Cr. Misc. No. 41506 of 2018.

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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Begusarai in connection with Sahebpur Kamal P.S. Case No. 101/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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