

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39048 of 2018

Arising Out of PS.Case No. -16 Year- 2018 Thana -PAHARPUR District- EASTCHAMPARAN
(MOTIHARI)

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1. Saheb Yadav, Son of Munnilal Yadav @ Munilal Yadav,
2. Munnilal Yadav @ Munilal Yadav, Son of Late Gajadhar Yadav, Both
are resident of Village- Gadhiyani P.O. and P.S.- Paharpur, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-08-2018 The prayer for anticipatory bail of petitioner No. 2 namely,

Munnilal Yadav @ Munilal Yadav has already been dismissed as

infructuous by order dated 04-07-2018.

Heard learned counsel for the petitioner No. 1 and learned
APP for the State.

The petitioner No. 1 is apprehending his arrest in a case
registered under Sections-272 & 273 of the Indian Penal Code and
Sections-30(a), 33, 34 & 36 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 150 liters spirit is
recovered.

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 No. 1. The name of the petitioner No. 1 has transpired on the basis of disclosure made by the co-accused namely, Vishal Kumar Singh. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in this case. It is alleged that 150 liters spirit is recovered from three different motorcycles. None of the motorcycles belong to the petitioner No. 1. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 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 No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No. 1, 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 4th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Paharpur P.S. Case No. 16 of



2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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