

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.784 of 2018

Arising Out of PS.Case No. -421 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District- SAHARSA

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Bijendra Yadav Son of Gorelal Yadav Resident of village- Geruaha, Ward No.- 13, P.S.- Saharsa, Dist.- Saharsa.

.... Petitioner
Versus
The State of Bihar

.... Opposite Party
=====

Appearance :
For the Petitioner : Mr. Chandra Mohan Jha, Advocate.
For the Opposite Party : Mr. Manoj Kumar, A.P.P.
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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 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 311.04 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 311.04 liters wine is recovered from the



Pick-up Van in question which was parked in front of the house of the petitioner. The name of the petitioner has come on the basis of confession made by the co-accused as per the complaint. 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 complaint.

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 A.D.J. 2nd-cum-Special Judge, Excise, Saharsa, in connection with Special (Excise) Case No. 421 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)