

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62155 of 2017

Arising Out of PS.Case No. -241 Year- 2017 Thana -ARA MUFFSIL District- BHOJPUR

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1. Mahesh Yadav Son of Jagdish Yadav Resident of village- Piprahiya,
P.S.- Ara (Mufassil), District- Bhojpur

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case
instituted under Section 30(A) of Bihar Excise Amendment Act,
2016.

The prosecution story, in brief, is that 25 litres of liquor
is said to have been 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. The name
of the petitioner has come on the disclosure made by chowkidar
and co-villagers as per the F.I.R. The name of the chowkidar and
co-villagers, who have named the petitioner, 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 25 litres of liquor is recovered from the house of co-accused Somaru Mushar. 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 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Ara (Muffasil) P.S. Case No.241/2017, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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