

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4121 of 2018

Arising Out of PS.Case No. -145 Year- 2017 Thana -ANDER District- SIWAN

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PAPPU YADAV @ PAPPU KUMAR YADAV, S/o Saukhlal Yadav, R/o Sultanpur , P.S.- Aandar- District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party : Smt. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 06.12.2017 in a case for the offence registered under Sections 272, 273, 308 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 34.56 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. Charge sheet/prosecution report has been submitted in this case. 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 total 34.56 liters wine is recovered from the car in question. The car in question does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by the co-accused, namely, Prabhat Kumar Singh and Prakash Kumar Yadav. 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 F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on 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 Additional District and Sessions Judge-II-cum-Special Judge (Excise), Siwan, in connection with Ander P.S. Case No. 145 of 2017.

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(Sudhir Singh, J)

