

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9487 of 2018

Arising Out of PS.Case No. -155 Year- 2017 Thana -GORIAKOTHI District- SIWAN

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Sanjay Yadav, Son of Bir Bahadur Yadav@ Veera Yadav @ Bir Bahadur Ray, Resident of Village- Saidpura, Police Station- Goreakothi, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate.

For the Opposite Party : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 30.11.2017 in a case for the offence registered under Sections 272, 273, 308 of the IPC, 30(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 226.800 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet/prosecution report has been submitted in the present case. There is no allegation of tampering with the



witnesses alleged against the petitioner. It is alleged that total 226.800 liters wine is recovered from bush in abandoned state. The name of the petitioner has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents 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. 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 2nd Additional Sessions Judge, Siwan, in connection with Goreakothi P.S. Case No. 155 of 2017.

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(Sudhir Singh, J)

