

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41644 of 2018

Arising Out of PS. Case No.-145 Year-2017 Thana- BITHAN BAZAR District- Samastipur

Ganesh Yadav, Son of Rajendra Yadav, Resident of Village Telani, P.S.
Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3.060 liters wine 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. The name of the petitioner has transpired as the alleged recovery is made from the cattle shed belonging to the joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 3.060 liters wine is recovered from the cattle shed in question belonging to the joint family of the petitioner. 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, 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 Additional Sessions Judge -VI-cum- Special Judge, Excise Act, Samastipur in connection with Bithan P.S. Case No. 145 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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