

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25383 of 2018

Arising Out of PS. Case No.-88 Year-2017 Thana- KANHAULI District- Sitamarhi

Suresh Yadava @ Suresh Rai @ Suresh Rai Yadav, Son of Uma Shankar Ray,
resident of Village- Bandarjhula, Ward No. 10, Police Station- Sonbarsa,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Amrendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 18 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come in course of investigation. It is alleged that the motorcycle in question was used by 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 18 liters wine is recovered from the motorcycle by the side of the community Hall. The motorcycle in question does not belong to 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 not named in the F.I.R.

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 II-cum-Special Judge, Excise Act, Sitamarhi in connection with Kanhauli P.S. case No.88 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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