

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58163 of 2018

Arising Out of PS. Case No.-209 Year-2018 Thana- JOGBANI District- Araria

Shivshankar Yadav S/o Krityanand Yadav resident of Village- Bishanpur, P.S.
Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 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 38(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 3.6 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 motorcycle in question belonged to the petitioner. The same was given by the petitioner to his co-villager for his personal use. Except for this, there is no other substantive evidence to



suggest the implication of the petitioner in this case. It is alleged that 3.6 liters wine is recovered from the motorcycle in question. 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 2nd Additional Sessions Judge, Araria in connection with Excise Special Case No. 856/2018, arising out of Jogbani P.S. Case No. 209/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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