

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1033 of 2018

Arising Out of PS.Case No. -122 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Sadhu Yadav @ Gabbar, son of Banarasi Rai @ Sajawal Rai, Resident of
Village- Jaisinghpur, P.S.- Turkaulia, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Advocate.

For the Opposite Party : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 34(B), 36 and 37(B) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 5.800 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. 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 5.800 liters wine is recovered from



possession of co-accused. The name of the petitioner has come on the basis of disclosure made by the co-accused. 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.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned 7th Additional Sessions Judge, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 122 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

