

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8446 of 2018

Arising Out of PS. Case No.-123 Year-2016 Thana- GAMAHARIYA District- Madhepura

Ganesh Yadav, son of Late Saryug Prasad Yadav, resident of village Atkhaira
Gadhia, P.S.- Sour Bazaar, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. YOGENDRA KR. SINGH (APP)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 47(a) (g) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 91 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 in course of investigation of the present case as he is owner of the Bolero vehicle. The said vehicle was used as a public carrier by the driver. Except for this, there is no other substantive evidence to



suggest the implication of the petitioner in this case. It is alleged that 91 liters wine is recovered from the Bolero vehicle which was in possession of the driver. 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/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-III-cum-Special Judge, Excise Act, Madhepura in connection with Gamharia P.S. Case No. 123 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. ,

(Sudhir Singh, J)

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