

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49189 of 2018

Arising Out of PS. Case No.-162 Year-2018 Thana- BUXAR District- Buxar

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Jitu Yadav Son of Barmeshwar Yadav Resident of Village - Mahadah, P.S.
Buxar (M), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 359, 307 of the Indian Penal Code, section 27 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 8.28 liters wine is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the local residents. The name of local residents, who have named the petitioner, has not been disclosed by the prosecution. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 8.28 liters wine is recovered from the motorcycle in question. 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 named in the F.I.R. The petitioner has criminal antecedents.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. Prayer is rejected.

If the petitioner surrenders in the Court below and prays for regular bail, the same shall be considered and disposed of on its own merit without being prejudiced by this order preferably on the same day.

(Sudhir Singh, J)

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