

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67989 of 2018

Arising Out of PS.Case No. -59 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Dipu Yadav Son of Birendra Yadav Resident of Mohalla-Kali
Nagar,Court Area P.S. & Distt.-Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273/34 of the Indian Penal Code and Sections-30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 71.250 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 on the basis of disclosure made by the co-accused Nitish Kumar. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 71.250 liters wine is recovered from 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/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 District & Sessions Judge, Jehanabad in connection with Excise Case No. 113 of 2017 arising out of Kako P.S. Case No. 59 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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