

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.22302 of 2018**

Arising Out of PS.Case No. -26 Year- 2018 Thana -KOTWA District-  
EASTCHAMPARAN(MOTIHARI)

=====

Manoj Kumar Yadav, son of Kailash Rai, resident of Village- Jagir  
Karariya, P.S.- Kotwa, District- East Champaran.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Bisheshwar Ram, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      18-04-2018      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 272, 273 of the Indian Penal  
Code and 30(a), 35(a) of the Bihar Prohibition and Excise Act,  
2016.

The prosecution story, in brief, is that total 23 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 total 23 liters wine is recovered from three  
bags of other co-accused persons. The name of the petitioner has



come on the basis of disclosure made by co-accused, namely, Anirudh Rai. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 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 4<sup>th</sup> Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, in connection with Kotwa P.S Case No. 26 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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**(Sudhir Singh, J)**