

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9134 of 2018

Arising Out of PS.Case No. -243 Year- 2016 Thana -BHORE District- GOPALGANJ

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Balister Yadav, S/o Lutawan Yadav, R/o Village- Luhasi, P.S.- Bhorey,
District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-02-2018 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, 308, 420 of the
IPC, 30(a), 35 and 38 of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 5 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 5 liters wine is recovered from



motorcycle in question. The motorcycle in question does not belong to the petitioner. He has not been apprehended on the spot. The name of the petitioner has come on the basis of disclosure made by co-accused Kanhaiya Yadav. 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 IInd Additional Sessions Judge-cum-Special Judge, Gopalganj, in connection with Bhorey P.S. Case No. 243 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)