

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25387 of 2018

Arising Out of PS.Case No. -89 Year- 2017 Thana -HARLAKHI District- MADHUBANI

Binod Yadav, son of Ramekwal Yadav, resident of Village- Umgau, P.S.- Harlakhi, District- Madhubani.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Advocate and
Jitendra Kumar Bharti, Advocate.

For the State : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 01-05-2018

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) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 54 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 54 liters wine is recovered from the
Motorcycle in question. The Motorcycle in question does not
belong to the petitioner. The name of the petitioner has come on
the basis of disclosure made by local residents as per F.I.R. The



name of the 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. 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 Additional District & Sessions Judge, Excise Act, Madhubani, in connection with Harlakhi P.S. Case No. 89 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

