

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39842 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- TARARI District- Bhojpur

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Bhola Yadav @ Bhola Singh Yadav S/o Late Bahir Yadav @ Nandlal Singh
Yadav, R/o Vill.- Diliya , P.S.- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(A)/37(B) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 4 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case due to mistake of fact. The petitioner is alleged to have fled away from the place of occurrence after disclosing his name. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged



that 4 liters wine is recovered from the abandoned hut. The abandoned hut 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.

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 4th Additional District and Sessions Judge-cum-Special Judge, Excise Act, Bhojpur at Ara in connection with Excise case No.599 of 2018 arising out of Tarari P.S. case No.37 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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