

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4422 of 2018

Arising Out of PS.Case No. -160 Year- 2017 Thana -AMBA District- AURANGABAD

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Mukesh Yadav, S/o Bijay Yadav @ Bijay Singh, Resident of Village-
Rakshani, P.S.-Barun, District-Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjit Kumar, Advocate.

For the Opposite Party : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
20.12.2017 in a case for the offence registered under Sections
30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 70 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.
Charge sheet/prosecution report has been submitted in this case.
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 70 liters wine is recovered



from the car in question. The petitioner does not belong to the car in question. The name of the petitioner has come as he was driver of the car in question as per F.I.R. 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 liquor kept in the car in question. 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, be released on 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 Sessions Judge-VII-cum-Special Judge, Aurangabad, in connection with Amba P.S. Case No. 160 of 2017.

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(Sudhir Singh, J)

