

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50643 of 2018**

Arising Out of PS. Case No.-78 Year-2018 Thana- KUNDWACHAINPUR District- East  
Champaran

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Rakesh Yadav son of Jagarnath Yadav @ Jagarnath Kapad resident of village -  
Mahangua, P.S. Kundwachainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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

2      20-08-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

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

The prosecution case, in short, is that 432 liters wine is  
recovered.

It has been submitted on behalf of the petitioner that  
there is no allegation of tampering of witnesses alleged against  
the petitioner. The name of the petitioner has transpired on the  
basis of disclosure made by the co-accuseds namely Indrajeet  
Mahto and Ramesh Mahto. Except for this, there is no other  
substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 432 liters wine is recovered from the co-accuseds Indrajeet Mahto and Ramesh Mahto. 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/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 Special Judge, Excise, East Champaran at Motihari in connection with Kundwachainpur P.S. Case No. 78 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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