

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44765 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- SARE District- Nalanda

Sube Yadav Son of Gendu Yadav Resident of Village-Gilani, P.S. Sare,
District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 420, 379, 411, 463, 471 of the I.P.C. as well as Sections 21/40 of the Bihar Mines and Minerals Act, 1972 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 180 ml 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 merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the



implication of the petitioner in this case. It is alleged that 180 ml wine is recovered from a truck in question in abandoned state. Recovery of liquor has been made from a truck, which belongs to one Bhim Sen Bharti. 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 6th Additional District and Sessions Judge-cum-Special Judge, Excise, Nalanda at Biharsharif in connection with Sare P.S. case No.70 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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