

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45711 of 2018

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Kamlesh Yadav, Son of Parashuram Ray, Resident of Village- Bhatwalia,
Police Station- Janata Bazar, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Kumar Yadav, Advocate.

For the Opposite Party : Smt. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2018 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 188, 272, 273/34 of the IPC
30, 38, 41, 44, 52 and 66 of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 100 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 100 liters wine is recovered from the



Auto in question. The Auto in question does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by co-accused Lalan Kumar. 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 Sessions Judge-VI-cum-Special Court, Excise, Saran at Chapra, in connection with Janata Bazar P.S. Case No. 59/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)