

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65345 of 2018

Arising Out of PS. Case No.-125 Year-2018 Thana- ARA NAWADA District- Bhojpur

Sanjay Yadav @ Sanjay Kumar Yadav, Son o Lalan Yadav, Resident of
Mohalla- Mahabir Tola, Ara, P.S. Ara Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary

For the Opposite Party/s : Mr. Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 379, 353, 307/34 of the I.P.C. as well as Sections 25(1-b)a, 26, 27 of the Arms Act and Sections 30(a)/45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1.860 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 come on the disclosure of co-accused Monu Yadav. Said Monu Yadav was taken into custody by the police and sent to the Hospital for treatment. Thereafter said Monu Yadav was never produced before the court. Hence said Monu Yadav was never taken



into judicial custody. Said Monu Yadav had also instituted a case against the constable in respect of the same occurrence. Nothing incriminating is 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. Other co-accused have been granted anticipatory bail vide Annexures-2 and 3 to the present application.

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 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise case No.325 of 2018 arising out of Ara Nawada P.S. case No.125 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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