

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22210 of 2019**

Arising Out of PS. Case No.-446 Year-2018 Thana- BODHGAYA District- Gaya

ANIL YADAV(Male), aged about 28 years, Son of Mundrika Yadav, Resident of Village - Simariya, P.S.- Cherki, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 08-04-2019 Heard both sides.

The petitioner apprehends his arrest in Bodh-Gaya (Cherki) P.S. Case No.446 of 2018 registered under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of Bihar Prohibition and Excise Act.

The informant got information that two persons were coming on a motorcycle. Anil Yadav, son of Mundrika Yadav with the help of his friend was transporting illegal liquor on a motorcycle. After seeing the police, both the motorcyclists fled away. The S.P.O., Arvind Kumar is said to have identified the petitioner.

The learned counsel for the petitioner submits that the petitioner is not at all acquainted with the S.P.O. The S.P.O. is said to have disclosed the name of the petitioner but source of



such identification has not been disclosed. Petitioner is not the owner of the vehicle. At the instance of enemy with the petitioner, petitioner has falsely been implicated in the case and nothing has been recovered from the possession of the petitioner.

Taking into consideration the fact that petitioner is not the owner of the vehicle and petitioner is said to have identified by the S.P.O. although S.P.O. did not disclose the source of identification of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya in connection with Bodh-Gaya (Cherki) P.S. Case No.446 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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