

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18308 of 2020**

Arising Out of PS. Case No.-5 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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RUDAL YADAV, aged about 41 years (Male), Son of Chandradev Yadav,
Resident of Village- Chakhusaini near the Block, P.S.- Mansi, Dist.- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Binod Kumar, Advocate.
For the Opposite Party : Mr.Parmanand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

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 Section 47(a) of the Bihar Excise
Act.

The prosecution story, in brief, is that total 200 Kgs.,
Mahua Jawa and 50 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 200 Kgs., Mahua Jawa and 50 liters wine is recovered from the open field behind the *Mosque* near the *Chakhusaini Block*. The name of the petitioner has come in the present case on the basis of alleged recovery. 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 facts and circumstances of the case, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight 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 Special Judge, Excise Act, Khagaria, in connection with Complaint Case No. 05C3/2014, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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