

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16686 of 2021

Arising Out of PS. Case No.-544 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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LALAN YADAV, aged about 35years, Male, S/o Bhagat Ray, Resident of
Village- Dipau, P.S.- Kotwa, District- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Kumar Pandey, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in connection
with Excise Case No. 544 of 2019 for the offence registered
under Sections 30(a) and 38(2) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 805 liters
spirit is recovered from the Truck in question.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the



present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 805 liters spirit is recovered from the Truck in question. The petitioner is not the owner of the Truck in question. 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. 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 of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned 9th Additional Sessions Judge-cum-Special Judge, Excise Act, East Champaran at Motihari, in connection with Excise Case No. 544 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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