

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22102 of 2021

Arising Out of PS. Case No.-263 Year-2019 Thana- HUSSAINGANJ District- Siwan

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DHAN DAYAL YADAV Son of Gorakh Chaudhary Resident of Village-
Shahbajpur, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Hussainganj P.S. case No.263 of 2019 registered under
Sections 30(a), 38(i), 41(i) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 279.360 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 petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on the basis of disclosure made by the local residents as per F.I.R. The names of local residents, who have named the petitioner, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 279.360 liters wine is recovered from the bush situated by the side of the road. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, 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 learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Hussainganj P.S. case No.263 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)

Narendra/-

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