

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30993 of 2020

Arising Out of PS. Case No.-238 Year-2019 Thana- MADHUBAN District- East Champaran

=====

DARESH KUMAR @ MIRCHAI LAL YADAV Son of Late Bharat Yadav
Resident of Village- Lohsarka, P.S.- Teriyani, District- Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-01-2021 Learned counsel for the petitioner is directed to

remove the defect(s), as pointed out by the office, within a

period of four weeks.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case
registered under Section-30(a), 50(g), 57, 60 of the Bihar
Prohibition and Excise Act.

The prosecution case, in short, is that 3422.28 liters
wine is recovered.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. It is alleged that 3422.88 liters wine is recovered from the truck, in question. The truck, in question does not belong to the petitioner. The petitioner was passing through while the truck, in question was parked at the place. The name of the petitioner is said to have transpired on the disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the goods loaded on the truck. 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.

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 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 learned Special Judge,



Excise, Motihari, East Champaran in connection with
Madhuban P.S. Case No. 238 of 2019, subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

