

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50526 of 2021

Arising Out of PS. Case No.-141 Year-2021 Thana- SABAUR District- Bhagalpur

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JOGWA YADAV @ YOGESH YADAV @ YOGESH KUMAR, aged about 18 years, Male, Son of Wakil Yadav, Resident of Village - Kashil, P.O.- Parghari, P.s.- Parghari and Distt.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Madan Mohan, Advocate
For the Opposite Party : Mr. Kanhaiya Kishore (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-11-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Sabour P.S. Case No. 141 of 2021 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 65.925 liters wine is recovered from three jute bags.



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 65.925 liters wine is recovered from three jute bags being carried by co-accused. The name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. 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. 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bhagalpur, in connection with Sabour P.S. Case No. 141/21, subject to the conditions as



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

(Sudhir Singh, J)

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