

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50366 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- DHIBRA District- Aurangabad

GUDDU YADAV, aged about 32 years, Gender-Male, S/o Mohan Lal Yadav,
Resident of Village- Badal Bigha, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

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 Dhibra P.S. Case No. 08/2020 for the offence registered
under Sections 30(a) and 38 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The prosecution story, in brief, is that total 480 Kg
Mahua Flower is recovered from the Tractor 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 480 kg. *Mahua Flower* is recovered from the Tractor in question. The petitioner is alleged to be the owner of the Tractor in question. The *Mahua Flower* was being carried only for the purpose of cattle feed. The petitioner had no intention to ferment the said *Mahua Flower* and make country made liquor. The said *Mahua Flower* was being carried only for the purpose of cattle feed, hence, no offence under Excise Act is made out. 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 Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad, in connection with Dhibra P.S. Case No.



08/2020, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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