

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52458 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- BARHARA District- Bhojpur

DEEPAK YADAV, aged about 25 years (Male), Son of Nand Jee Yadav,
Resident of Village- Saligram Singh Ke Tola, P.S.- Barhara, District- Bhojpur,
Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Perna Anand, Advocate

For the Opposite Party : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-11-2021 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 through Virtual mode.

The petitioner is apprehending his arrest in connection
with Barahara P.S. Case No. 270/2021 for the offence registered
under Sections 30(a) and 36 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The prosecution story, in brief, is that total 60 liters
wine is recovered from the *Bhatti* of different persons including
the petitioner.

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 60 liters wine is recovered from the *Bhatti* of different persons. Out of which, 21 liters wine is said to have been recovered from the *Bhatti* allegedly belonging to the joint family of the petitioner alongwith one Santosh Yadav. 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. 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 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 IV Additional Sessions Judge-cum-Special Excise Judge, Bhojpur, Ara, in connection with Barahara P.S. Case No. 270/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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