

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52696 of 2021

Arising Out of PS. Case No.-459 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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RAJU YADAV Son of Badho Yadav @ Bado Yadav Resident of - Gokhna,
P.O.- Kedlikala, P.S.- Huntargunj, District- Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of eight
weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 30(a) and 56(b) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 100 kg mahua flower
and 10 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 name of
the petitioner has transpired as being owner of the tempo in question.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 100 kg mahua flower and 10 liters wine is recovered from the tempo in question. The said tempo is run as public carrier. The petitioner had no knowledge regarding the nature of goods kept on the tempo. 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, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Gaya in connection with Excise P.S. Case No. 459/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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