

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58808 of 2021

Arising Out of PS. Case No.-98 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

BAHADUR YADAV, Male/aged about 49 years, Son of Late Ramji Yadav,
(wrongly stated in F.I.R. Ghurahu Yadav), Resident of Village - Dhumardeo,
P.S.- Chainpur, District - Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar Pathak, Advocate
For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2021 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 Chainpur P.S. Case No. 98 of 2021 for the offence
registered under Sections 30(a), 30(d) of the Bihar Prohibition
and Excise (Amendment) Act, 2018 and under Section ¾ of the
Bihar Excise (Mahua Flower) Act, 2006.

The prosecution story, in brief, is that total 4 liters
wine is recovered from the joint house of the petitioner.

It has been submitted by learned counsel for the



petitioner that the petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. For the same incident, two different cases were instituted. One relating to the offence under N.D.P.S. Act and another case relating to the Excise Act. The present case relates to the Excise Act. It is alleged that total 04 liters wine is recovered from the joint house of the petitioner. 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. The petitioner had no knowledge regarding the alleged incident. 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), Kaimur at Bhabua, in



connection with Chainpur P.S. Case No. 98 of 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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