

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7499 of 2021

Arising Out of PS. Case No.-245 Year-2018 Thana- LAKHISARAI District- Lakhisarai

Bhulla Yadav Son Of Late Yamuna Yadav @ Late Ganga Yadav @ Gango
Yadav Resident Of Mohalla- English, Ward No.3, Police Station- Lakhisarai,
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2021 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273 of the Indian Penal Code and
Sections-30(A), 38(1) & 41(1) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that 423 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 petitioner has been falsely implicated in the present case. The name of the petitioner transpired in this case as someone had taken the name of the petitioner at the place of occurrence which was heard by other person who was present there. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 423 liters wine is recovered from the pick up Van, in question. The pick up Van, in question does not belong to the petitioner. 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.

Considering the aforesaid facts and circumstances of the case and also the lockdown, 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 his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Lakhisarai in connection with Lakhisarai P.S. Case No.



245 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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