

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61566 of 2021**

Arising Out of PS. Case No.-162 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

BHOLA YADAV Son of Rammurat Yadav Resident of Village- Betari, P.S.-
Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioner is apprehending his arrest in connection
with Chand P.S. case No.162 of 2021 registered under Sections
30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 20.310 liters
wine is recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent and there is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 20.310 liters wine is recovered from the motorcycle. The petitioner is not the owner of the motorcycle in question. 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 complaint case/F.I.R.

Considering the facts and circumstances of the case, 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 learned A.D.J. II-cum-Special Judge (Excise), Kaimur at Bhabua in connection with Chand P.S. case No.162 of 2021, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

Narendra/-

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