

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61540 of 2021**

Arising Out of PS. Case No.-100 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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OM PRAKASH YADAV @ PRAKASH YADAV Son of Balister Yadav
Resident of Village - Bharthiya, P.S. - Bhishambharpur, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Smt. Renu Kumari, APP

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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 Vishambharpur P.S. case No.100 of 2021 registered under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 162 liters wine is
recovered.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in this case. It is
alleged that 162 liters wine is recovered from two different
motorcycles. One of the motorcycles in question belongs to the



petitioner. Said motorcycle was given by the petitioner to the co-villager for his personal use. The petitioner had no knowledge regarding the nature of goods kept in the motorcycle. 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 Additional District and Sessions Judge II-cum-Special Judge, Excise, Gopalganj in connection with Vishambharpur P.S. case No.100 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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