

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4329 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- MADHUBAN District- East Champaran

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WAKIL RAI @ BALESHWAR YADAV Son of Yogendra Ray Resident of
Village- Jogauliya Tola Palat, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioner and learned APP
for 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.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273, 120B, 420, 467, 468, 471 of the
Indian Penal Code and 30(a), 36 and 41(i) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, in short, is that 8812.26 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 name of the petitioner has transpired on the basis of
disclosure made by the co-accused. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 8812.26 liters wine is recovered from a truck. The petitioner is not the owner of the truck in question. 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, 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 Special Judge, Excise, East Champaran at Motihari in connection with Madhuban P.S. Case No. 211 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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