

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7429 of 2022

Arising Out of PS. Case No.-384 Year-2017 Thana- BARACHATTI District- Gaya

SURESH KUMAR YADAV, Male, aged about 54 years, Son of Late Babu Nandan Prasad Yadav, Resident of Village - Behind Shiv Temple (Shiv Mandir), Road No.5A, House No.53, P.S- Patliputra, Distt.- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and learned counsel for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Barachatti P.S. Case No. 384 of 2017, corresponding to G.R. No. 1256/2017 for the offence registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 165 liters wine is recovered from two cars.

It has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 120 liters wine is recovered from the car bearing Registration No. JH11A3844 (old) and 45 liters wine is recovered from Tata Sumo Gold bearing Registration No. BR01PE1747. The petitioner is alleged to be the owner of one of the vehicles bearing Registration No. BR01PE1747. The said vehicle is run as a public carrier. 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 goods kept in the vehicle. 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 Additional Sessions Judge-2nd-cum-Special Judge,
Excise, Gaya, in connection with Barachatti P.S. Case No. 384
of 2017, corresponding to G.R. No. 1256/2017, subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Sudhir Singh, J)

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