

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7815 of 2022

Arising Out of PS. Case No.-417 Year-2021 Thana- BARH District- Patna

UDAY KUMAR @ UDAY YADAV S/O MAHESH YADAV RESIDENT OF
VILLAGE- HARDAYALBIGHA, P.S.- BELCHHI, DISTRICT- PATNA,
PERMANENT RESIDENT OF VILLAGE AND P.S.- HARNAUT,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2022 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.

The petitioner is apprehending his arrest in connection
with Barh P.S. Case No. 417 of 2021, Special Case No. (Excise)
6477 of 2021 registered for the offence under Section-30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 82 liters Beer 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 been falsely implicated in the present
case. It is alleged that 82 litres Beer is recovered from the



motorcycle. The motorcycle, in question does not belong to the petitioner. The name of the petitioner has transpired in this case on the basis of disclosure made by local residents. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. 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, 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Barh P.S. Case No. 417 of 2021, Special Case No. (Excise) 6477 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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