

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8753 of 2022

Arising Out of PS. Case No.-580 Year-2021 Thana- MANER District- Patna

Binod Yadav @ Akhil Kumar S/O Ramjeevan Rai R/O Kothwa, P.S.-
Khagaul, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava. APP

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.

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 Special case No.4905/2021 arising out of Maner P.S. case
No.580/2021 registered under Sections 30(a), 36, 41(I)(II) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2148.750 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. The
name of the petitioner has transpired in this case on disclosure made
by 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 2148.750 liters wine is recovered from the truck. The truck in question does not belong to the petitioner. 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 Special Judge, Excise Act, Danapur, Patna in connection with Special case No.4905/2021 arising out of Maner P.S. case No.580/2021, 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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