

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15005 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- GURUA District- Gaya

GAUTAM YADAV @ GAUTAM KUMAR ARYA Son of Mudrika Yadav @
Mundrika Yadav @ Mundrik Yadav Resident of Village - Kalibigha, P.s.-
Gurua, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-04-2022 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 33 of the Bihar Prohibition and Excise Act,
2016.

The prosecution case, in short, is that 3160 liters spirit 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 as the alleged recovery is



made from mud house belonging to the joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 3160 liters spirit is recovered from the mud house belonging to the joint family of 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 Exclusive Special Excise Court No.2, Gaya in connection with Gurua P.S. case No.87/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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