

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15637 of 2022

Arising Out of PS. Case No.-334 Year-2021 Thana- MANSI District- Khagaria

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BHOLA YADAV, aged about 30 years, Male, S/o Sunil Yadav, Resident of
Village- Chhoti Balha, P.S.- Mansi, District- Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bishweshwar Ram, Advocate
For the Opposite Party : Mr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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 Mansi P.S. Case No. 334/2021, G.R. No. 4128/2021 for the
offence registered under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 70 liters
wine is recovered by the side of *bamboo clump* and *Dhar* in
question.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 50 liters wine is recovered by the side of bamboo clump and 20 liters wine is recovered from the *Dhar* in question. The name of the petitioner has transpired in the present case on the basis of disclosure made by local *Chaukidar*. 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 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 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 District and Sessions Judge-I-cum-Special Judge (Excise), Khagaria, in connection with Mansi P.S.



Case No. 334/2021, G.R. No. 4128/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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