

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20697 of 2022**

Arising Out of PS. Case No.-301 Year-2021 Thana- BARHARA District- Bhojpur

INDAL YADAV S/o Bhuteli Yadav Resident of Village - Paiga, P.S. -  
Barhara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      29-04-2022                      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 a case  
registered under Sections 30(a) of the Bihar Prohibition and Excise  
Act, 2016.

The prosecution case, in short, is that 72 liters wine is  
recovered.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent and 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 72 liters



wine is recovered from the motorcycle. The petitioner is not the owner of the motorcycle in question. 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. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari vs. State of Bihar).

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 A.D.J. IV-cum-Special Judge, Bhojpur at Ara in connection with Barhara P.S. case No.301/21, 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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