

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21528 of 2022**

Arising Out of PS. Case No.-322 Year-2021 Thana- SISWAN District- Siwan

Shailesh Yadav @ Raghuveer Yadav Son Of Ramnath Yadav R/O Village-  
Gyaspur Mathiya, P.S.- Siswan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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

2      29-04-2022                      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 Siswan P.S. Case No. 322 of 2021 registered for the offence  
under Sections-272 & 273 of the Indian Penal Code and Sections-  
30(A)/38(B) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 14 liters wine is  
recovered.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent. 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 14



litres wine is recovered from the *Dalaan* belonging to joint family of the petitioner. 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. 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 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Siwan in connection with Siswan P.S. Case No. 322 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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