

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29119 of 2022

Arising Out of PS. Case No.-48 Year-2020 Thana- MANJHI District- Saran

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Rajesh Kumar Yadav @ Rajesh Rai Son of Ram Babu Yadav Resident of
village - Fazilpur, P.s.- Rajepur, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate
For the Opposite Party : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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-30/30(a)/38(i)(ii)/36/41 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1800 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 name of the petitioner has transpired on the basis of disclosure made by the 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 1800 liters wine is recovered from a truck. The truck, in question does not belong to 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 not named in the F.I.R.

Considering the aforesaid facts and circumstances, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2nd, Saran at Chapra in connection with Manjhi P.S. Case No. 48 of 2020, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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