

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30615 of 2022**

Arising Out of PS. Case No.-177 Year-2022 Thana- MADANPUR District- Aurangabad

DEEPAK YADAV @ KUNDAN RAJ S/o Baiju Yadav Resident of Village-
Laxman Bigha, P.S.- Madanpur, District- Aurangabad.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate

For the Opposite Party : Mr. Anand Kishore Choudhary, APP

**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 Section-30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in short, is that 34.5 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 name of the petitioner has transpired on



the basis of disclosure made by the local Chowkidar and co-villager. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 34.5 liters wine is recovered by side of the canal. 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, 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 Special Judge, Excise-Ist, Aurangabad in connection with Madanpur P.S.



Case No. 177 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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