

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7253 of 2023**

Arising Out of PS. Case No.-168 Year-2019 Thana- MAIRWAN District- Siwan

UPENDRA YADAV @ UPENDRA KUMAR YADAV, S/O FULENA  
YADAV @ FULENA CHAUDHARY, aged about 35 years, Male, R/v-  
Mishrauli, P.O.- Titra, P.S.- Mairwa, District- Siwan, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Akshay Lal Pandit, Advocate  
For the Opposite Party : Mr. Sanjay Kumar Sharma, A.P.P.

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

2      20-04-2023                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Mairwa P.S. Case No. 168 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 36 liters wine is said to have been recovered by the side of the road.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with



the witnesses alleged against the petitioner. It is alleged that total 36 liters wine is recovered by the side of the road. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of secret information as per F.I.R. The source and genuineness of secret information has not been disclosed by the prosecution. 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. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

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, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise, Siwan, in connection with Mairwa P.S. Case No. 168 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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