

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7547 of 2023**

Arising Out of PS. Case No.-252 Year-2022 Thana- SINGHIYA District- Samastipur

SANTOSH YADAV @ SANTOSH KUMAR YADAV, aged about 35 years  
(Male), S/O DAYANAND YADAV, Resident of village- Arrahi, Lagma P.S.-  
Singhia District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Mahendra Pratap, Advocate  
For the Opposite Party : Mr. Manoj Kumar, A.P.P.

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

2      29-04-2023                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

The petitioner is apprehending his arrest in  
connection with Singhia P.S. Case No. 252 of 2022 for the  
offence registered under Section 30(a) of the Bihar  
Prohibition and Excise (Amendment) Act.

The prosecution story, in brief, is that total 820.80  
liters wine is said to have been recovered from the  
Ambulance in question.

It has been submitted by learned counsel for the  
petitioner that the petitioner has got no criminal antecedent.  
He 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 820.80 liters wine is recovered from the Ambulance in question. The Ambulance in question does not belong to the petitioner. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of disclosure made by the local residents as per F.I.R. The name of the local residents, who have named the petitioner, 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 Special Judge, Excise-1, Samastipur, in connection with Singhia P.S. Case No. 252 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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