

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28778 of 2023

Arising Out of PS. Case No.-494 Year-2022 Thana- BIRAUL District- Darbhanga

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Bishwanath Yadav @ Rajesh Rai, (Male), aged about 25 years, Son Of Sri
Deo Narayan Yadav @ Mantun Yadav, Resident Of Village- Kodhali Morama,
Ps- Biraul, Distt- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Biraul P.S. Case No. 494 of 2022 for the
offence registered under Sections 420, 467, 468, 471, 414 of
the I.P.C. and Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total
3554.19 liters wine is said to have been recovered from five
different vehicles.

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 3554.19 liters wine is recovered from five different vehicles. None of the vehicles does not belong to the petitioner. The petitioner is not 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 not 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-II, Darbhanga, in connection with Biraul P.S. Case No. 494 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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