

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13073 of 2023

Arising Out of PS. Case No.-23 Year-2009 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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ARBIND YADAV @ ARVIND YADAV Son of Ghamandi Yadav Resident of
Village- Bara Tola Kothiya (Bara Kothiya) P.S.- Kako (Bhelawar), District-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section 47(A) of the Bihar Excise Act.

The prosecution case, in short, is that 30 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. It is alleged that 30 liters wine is recovered from the open
field in an abandoned state. The field in question does not belong to
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. 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 (Sweta Kumari versus 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, 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 Exclusive Special Excise Court No. 1, Jehanabad in connection with Excise Case No. 23/2009, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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