

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62188 of 2018

Arising Out of PS. Case No.-516 Year-2018 Thana- BODHGAYA District- Gaya

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1. Akhilesh Kumar @ Akhilesh Yadav, S/o Thakuri Yadav, Resident of Village- Baiju Bigha, P.S. -Bodh Gaya, District- Gaya.
 2. Vicky Kumar , s/o Suresh Yadav, Resident of village- Baiju Bigha, P.S. - Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss Manisha Prakash, Advocate
For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-10-2018 Heard Miss Manisha Prakash, learned counsel for the petitioners and Dr. Mritunjay Kumar Gautam, learned Additional Public Prosecutor.

At the very outset, learned counsel for the petitioners considering the fact that petitioner no. 1 namely: Akhilesh Kumar @ Akhilesh Yadav was earlier also made accused in relation to offence under Section 37 of the Bihar Prohibition And Excise Act, 2016 seeks permission to withdraw the prayer for grant of anticipatory bail of petitioner no. 1 .

The prayer is allowed.

The prayer for grant of anticipatory bail in respect of petitioner no. 1 / Akhilesh Kumar @ Akhilesh Yadav stands



dismissed as withdrawn.

Petitioner no. 2 apprehending his arrest in connection with Bodh Gaya P.S. Case No. 516 of 2018 registered for the offence under Section 272 / 273 of the Indian Penal Code, 1860 and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioners submits that petitioner no. 2 has been made accused only on the basis of confession / disclosure made by co-accused otherwise there is no other material against the petitioner. In the case two accused persons who were moving on motorcycle were apprehended and from the said motorcycle about 8.250 liters of Indian make foreign liquor was shown to be recovered and on the basis of disclosure made by co-accused petitioner has been made accused.

Learned Additional Public Prosecutor has opposed the prayer, however, considering the fact that petitioner no. 2 is having clean antecedent which fact has been stated in paragraph - 3 of the petition as well as the fact that he has been made accused on the basis of disclosure made by co-accused , there is no reason to refuse the prayer for anticipatory bail of



petitioner no. 2.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner no. 2 /Vicky Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya / concerned court in connection with Bodh Gaya P.S. Case No. 516 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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