

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69286 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- FULKAHA District- Araria

RAMOD YADAV Son of Radhanand Yadav Resident of Village - Posdaha,
P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 16-11-2019 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Special Case No. 610 of 2019 arising out of Fulkaha P.S. Case No. 67 of 2019 registered for the offence punishable under Sections 30(a), 38, 41(1) of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution is that two persons were coming towards India from the Nepal border on a motorcycle and upon seeing the police party, both the accused persons tried to flee away, however, one was arrested and the said arrested co-accused person had taken the name of the petitioner to be the one, who had succeeded in fleeing away. Thereafter, upon search, the police had recovered 45 liters of nepali wine from the arrested person.

The learned counsel for the petitioner submits that



the petitioner has been falsely implicated in the present case. It is further submitted that neither any recovery has been made from the petitioner nor any material has come on record to connect the petitioner with the alleged crime, as such, no offence under the provisions of the Bihar Excise and Prohibition Act is made out, hence, the petitioner is entitled to anticipatory bail. It is further submitted that the petitioner is having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory 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 2nd Additional Sessions Judge cum Special Judge, Araria in connection with Special Case No. 610 of 2019 arising out of Fulkaha P.S. Case No. 67 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

ajay gupta/-

U		T	
---	--	---	--

